

Islamic Political Theory

(Legislation)

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Contents

Contents ۵
Islamic Political Theory (Legislation) Volume ۲ ۱۲
BOOK ID ۱۲
point ۱۳
Preface ۱۳
Introduction ۱۶
Session ۲۴: Grand Strategies in the Realm of Governance and Implementation (Part ۱) ۲۱
The exigency of government ۲۱
Different approaches on objectives of executive power ۲۲
Aim of prophets ('a) in establishing government ۲۵
Impact of social challenges on conduct of liberal system ۲۷
Reason behind individuals' inclination towards liberalism ۲۸
A perspective on the structure of Islamic government and state ۳۰
The government must be accepted by the people ۳۲
Session ۲۵:Grand Strategies in the Realm of Governance and Implementation (Part ۲) ۳۳
Government as perpetually needed by human society ۳۳
Need for government according to Islam and the Qur'an ۳۴
The exigency and source of power ۳۶
Administrators must be God-wary and morally sound ۳۸
An examination of the legitimacy of government in political philosophy ۳۹
Difference between Islamic and liberal perspectives on legitimacy ۴۲
Session ۲۶: Special Functions of State and Islamic Perspective on Public Participation ۴۵
Exclusive functions of state ۴۵
Dual structure of functions of state ۴۹

Need for organizations dealing with low-income strata of society ۵۰
The Islamic paving of ground for public participation ۵۲
Factors undermining public participation ۵۳
Status of civil society in Islam ۵۴
New ways of opposing Islamic criteria for selection ۵۵
Need to preserve Islamic values and principles and counter enemy plots ۵۷
Session ۲۷: A Perspective on the Distinctive Structure of the Islamic State ۵۸
Fundamental difference between government in Islamic and secular systems ۵۸
Presentation of a secular state model by those enamored by Western culture ۵۹
State's mission to preserve and promote Islamic mottos ۶۰
Methods employed by the state to fulfill its responsibilities ۶۱
Model of totalitarian and liberal states ۶۳
Islam's idealistic and realistic perspective on state ۶۶
Defects of a state's centralized system ۶۹
Session ۲۸: Observance of Values and Legitimate Freedom in an Islamic State ۷۰
A glance at the state's raison d'être ۷۰
First principle of human conduct ۷۳
Islam's instructive approach in enacting penal and criminal laws ۷۵
The state's fixed and alterable duties ۷۷
Difference in manner of implementing laws between Islamic and other states ۷۹
Session ۲۹: The Political Hierarchy in the Islamic State ۸۳
Specific duties of an Islamic government ۸۳
Qualifications of Islamic state officials ۸۴
point ۸۴
۱. Knowledge of law ۸۵
۲. Moral excellence ۸۶

۸۶ Managerial skill and experience .۳

۸۷ Necessity of determining origin of statesmen's qualifications

۸۸ Rejecting the value-laden approach of Kant in the realm of behavior

۹۰ Islam's non-judgmental approach in value-giving and assigning duties

۹۱ Worship has different degrees of value

۹۳ Categorized models of Islamic government

۹۴ Rational proof of the wilayah al-faqih system

۹۷ Session ۳۰: The Connection between the Absolute Guardianship of the Jurist and the Islamic Government Establishment

۹۷ Balance between prerogatives and duties in the Islamic state

۹۸ Connection between absolute guardianship (wilayat-e mutlaq) and government prerogatives

۹۹ People's skepticism on absolute guardianship

۱۰۰ Investigating the structure of Islamic government

۱۰۱ point

۱۰۱ The extensiveness and irrevocability of Islamic laws .۱

۱۰۳ Presentation of government models derived from Islam .۲

۱۰۴ Precedence of the notion of "state within a state" in Islam

۱۰۷ "Imam Khomeini's presentation of "absolute guardianship of the jurist

۱۱۰ 'Description of wilayat al-faqih in the maqbulah of 'Umar ibn Hanzalah

۱۱۳ Islam's view on separation of powers

۱۱۴ Grounds for overlapping of functions

۱۱۶ Session ۳۱: An Examination and Criticism of the Theory of Separation of Powers

۱۱۶ Historical trend leading to the theory of separation of powers

۱۱۷ Reasons behind the separation of powers

۱۱۹ The impossibility of totally separating and delineating the powers

۱۲۳ Need for an institution that coordinates and supervises the three powers

۱۲۳ Wilayah al-faqih as the unifying axis of society and the political system

Session ۳۲: The Exigency of Elucidating the Ideological Position of the Islamic System ۱۲۵
Different levels of understanding the Islamic government ۱۲۵
point ۱۲۵
۱. General understanding ۱۲۵
۲. Specialized and technical understanding ۱۲۷
۳. Average understanding ۱۲۷
A review of the characteristics of law and its necessity ۱۲۹
Another review of the qualities of the implementers of Islamic laws ۱۳۰
Theoretical connection of Islamic government with ideological principles and foundations ۱۳۲
Logical and rational basis of Islamic government's linear degrees ۱۳۴
Presenting some questions regarding Islamic government ۱۳۵
Session ۳۳: Islam and Different Forms of Government ۱۳۸
Skepticism on Islam's alleged lack of government planning and program ۱۳۸
Refuting the abovementioned skepticism and stating the Islamic viewpoint on the form of government ۱۴۰
The impossibility of presenting a fixed government structure ۱۴۱
Skepticism on alleged temporal and worldly nature of government and obsoleteness of Islamic laws ۱۴۳
Refutation of the above and the connection between Islam's immutable and alterable laws ۱۴۶
Divine laws' jurisdiction encompasses all spheres of human activities ۱۵۰
Session ۳۴: The Position of Islamic Laws and Our System's Superiority over Other Systems ۱۵۴
Connection of the immutable laws of Islam with government structure and alterable laws ۱۵۴
Primary and secondary laws and the secondary laws' alleged conflict with Islam ۱۵۶
Shortcomings of the democratic systems ۱۵۹
Exigency of the powers' coordinating agency ۱۶۰
The coordination of powers in the wilayah al-faqih system ۱۶۲
The wilayah al-faqih system's superiority over other systems ۱۶۳
point ۱۶۴

۱. Internal cohesion ---------- ۱۶۴

۲. Internal and external executive guarantee ---------- ۱۶۵

۳. The Leader possessing the highest degree of piety and merit ---------- ۱۶۸

۴. Observance of the spiritual and real interests of human beings ---------- ۱۷۰

Session ۳۵: The Connection between Freedom, State and Laws ---------- ۱۷۱

The alleged incompatibility of an appointed ruler with freedom and democracy ---------- ۱۷۱

Examining intrinsic freedom and negating the theory of predetermination ---------- ۱۷۱

No contradiction between the internally value-oriented system and freedom ---------- ۱۷۴

The connection between religious, obligations and freedom ---------- ۱۷۶

The connection of hudud and ta'zirat with freedom ---------- ۱۸۰

The existence of state and laws negates absolute freedom ---------- ۱۸۱

The exigency of linking sovereignty with Allah ---------- ۱۸۳

Session ۳۶: Need for Decisiveness in Implementing Islamic Ordinances ---------- ۱۸۷

point ---------- ۱۸۷

Social impact of human action and the necessity of government ---------- ۱۸۸

The legitimate source of government and the enigmas of democracy ---------- ۱۸۹

point ---------- ۱۸۹

۱. First objection ---------- ۱۹۰

۲. Second objection ---------- ۱۹۱

۳. Third objection ---------- ۱۹۲

The government's legitimacy in Islam ---------- ۱۹۳

The prophets and their way of guiding people ---------- ۱۹۴

The need to remove obstacles along the way of guidance ---------- ۱۹۶

The necessity of preserving divine values and negating Western values ---------- ۱۹۸

Decisiveness in implementing laws and struggling against enemies of the system ---------- ۲۰۰

Warning people against conspirators and mercenaries ---------- ۲۰۲

Session ۳۷: A Scrutiny of the Issue of Violence ---- ۲۰۴
point ---- ۲۰۴
The enemies' sinister propaganda and activities against Islam ---- ۲۰۴
The West and its pretentious defense of human rights ---- ۲۰۶
Resorting to violence and plotting to topple down the Islamic system ---- ۲۰۷
Paving the ground for the absence of people from the scene ---- ۲۰۹
The exigency of confronting cultural conspiracies and misgivings about religious sanctities ---- ۲۱۱
Islam's description of God's mercy and wrath ---- ۲۱۴
The necessity of confronting enemies and hypocrites, and eliminating impediments to guidance ---- ۲۱۷
Opposition to the penal and criminal laws of Islam ---- ۲۲۰
Violent measures not confined to the domain of penal and criminal laws ---- ۲۲۲
Islam and the need to answer all academic objections under all circumstances ---- ۲۲۶
Confronting the conspiracies and reaction of foreigners ---- ۲۲۸
The Qur'an and the need to repudiate and be inimical to its enemies ---- ۲۲۹
Session ۳۸: Confrontation of Western Ideas and Beliefs' with Islamic Laws ---- ۲۳۱
The Constitutional Movement and propagation of Western values ---- ۲۳۱
Some writers' displeasure at the presentation of ideal freedom in Islam ---- ۲۳۳
Islamic decree on enemy combatants and agents of corruption on earth ---- ۲۳۴
The consequences of the lack of decisive step against conspirators ---- ۲۳۵
Irresponsible stances against the issue of violence ---- ۲۳۸
An examination of the synonym of the word "violence" in the Qur'an ---- ۲۳۹
The Western and Islamic concept of tolerance ---- ۲۴۰
Session ۳۹: An Investigation of the Relativity of Values and Religious Narratives ---- ۲۴۳
Religion as absolute or relative ---- ۲۴۳
Three approaches to the relativity of knowledge ---- ۲۴۴
۱. First approach to the relativity of knowledge ---- ۲۴۴

۲. Second approach to the relativity of knowledge (relativity of values) ---- ۲۴۶
point ---- ۲۴۶
The absoluteness and inalterability of some values ---- ۲۴۸
The basis of absoluteness of some values ---- ۲۵۱
The relativity of all values and religious narratives in Western culture ---- ۲۵۱
۳. Third approach to the relativity of knowledge (relativity of religious knowledge) ---- ۲۵۴
point ---- ۲۵۴
The distinction between the domain of relative interpretations and the domain of absolute interpretations ---- ۲۵۶
Session ۴۰: Religious Knowledge: Fiction or True Reflection? ---- ۲۶۰
The status of realistic and unrealistic languages ---- ۲۶۰
The motive of introducing the language of religion as symbolic and unrealistic ---- ۲۶۲
Westernized intellectuals, the promoters of the theory of relativity of religion ---- ۲۶۵
Eclectic understanding of the story of Habil and Qabil ---- ۲۶۶
The presentation of an ambiguous image of religion ---- ۲۶۸
Comparing the Qur’an with the language of poetry as a justification of pluralist interpretations ---- ۲۷۰
The plurality of interpretations and trends of knowledge in hermeneutics ---- ۲۷۵
Words and the possibility of their arriving at different truths ---- ۲۷۶
The possibility of acquiring absolute and real knowledge of the Qur’an ---- ۲۷۷
The relativists’ unfounded claim of Qur’anic language being unreal ---- ۲۷۹
Imam ‘Ali’s (‘a) expression of concern over cultural confusion and the distortion of religion ---- ۲۸۲
The necessity of removing personal preferences from the domain of religion ---- ۲۸۶
About center ---- ۲۸۷

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point

The second of two volumes of the renowned and comprehensive text on Islamic political theory by Ayatullah Misbah Yazdi, dealing with the importance of recognizing Islam as the basis of any just political theory, methods of implementing such a theory by the government, and comparing and contrasting this Islamic system with the system predominant in most Western ans secular nations.

Preface

قَالَ رَسُولُ اللهِ. ص:

إِنِّی تَارِکٌ فِیکُمُ الثَّقَلَیْنِ: کِتَابَ اللهِ وَعِتْرَتِی أَهْلَ بَیْتِی، مَا إِنْ تَمَسَّکْتُمْ بِهِمَا لَنْ تَضِلُّوا بَعْدِی أَبَداً، وَإِنَّهُمَا لَنْ یَفْتَرِقَا حَتَّی یَرِدَا عَلَیَّ الْحَوْضَ.

:The Messenger of Allah (s) said

Verily, I am leaving among you two precious things [Thaqalayn]: The Book of Allah“ and my progeny [‘itrah], the members of my Household [Ahl al-Bayt]. If you hold fast to them, you shall never go astray. These two will never separate from each other ”.(until they meet me at the Pond [hawd] (of Kawthar

:Some of its references

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p: ١

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, the All-beneficent, the All-merciful

The preservation of the precious legacy left behind by the Holy Prophet's Household [Ahl al-Bayt] (may peace be upon them all) by their followers from the menace of extinction is exemplified by an all-encompassing school [maktab], which covers all the different branches of Islamic knowledge and trains sincere seekers of the truth. It has on its list of scholars many talented personalities who have benefited from this immense wealth of knowledge. This school has presented scholars to the Muslim ummah who, by following the Holy Prophet's Household ('a), have been granted the authority to remove doubts and skepticism encountered by various creeds and intellectual trends both inside and outside Muslim society, and have throughout the .past centuries, presented the firmest answers and solutions to these doubts

Anchored in the responsibilities it is shouldering, the Ahl al-Bayt ('a) World Assembly has embarked upon defending the sanctity of risalah [apostleship] and its authentic beliefs—truths which have always been opposed by chiefs and leaders of anti-Islamic sects, religions and trends. The Assembly regards itself as a follower of the upright pupils of the Ahl al-Bayt's ('a) school—those who have always, based on the ,expediencies of time and space

p: ۲

logically refuted all accusations and been foremost in their efforts to clarify all .misunderstandings

The empirical knowledge preserved in their books (of the scholars of the Ahl al-Bayt's ('a) school) is unique because it is based upon intellect and reasoning, devoid of any iota of blind prejudice, whims or caprice. It addresses experts, scholars and thinkers .[in a manner that is acceptable to a healthy human mind [fitrah

In order to disseminate the truth, the Ahl al-Bayt ('a) World Assembly has included this valuable knowledge within the framework of research and writing of contemporary Shiah writers or those who, through divine guidance, embrace this .noble school

This Assembly is also engaged in the study and publication of valuable works of pious

predecessors and outstanding Shi‘ah personalities so that seekers of truth can quench their thirst from this refreshing fountain of knowledge offered by the Holy Prophet’s Household (‘a) as a gift to the entire world.

It is hoped that our readers do not deprive the Ahl al-Bayt (‘a) World Assembly of their valuable views and suggestions as well as constructive criticism in this arena.

We also invite scholars, translators and other institutions to assist us in propagating the pure Original Islam of Muhammad (s).

We ask God the Exalted, to accept this trivial effort and enhance it further under the auspices of His vicegerent on earth, Hadhrat al-Mahdi (may Allah the Exalted, expedite his glorious advent).

We express our utmost gratitude to Professor Ayatullah Muhammad Taqi Misbah Yazdi for writing the book,

p: ٣

Mr. Mansoor Limba for translating it, and all our honorable colleagues, especially the dear ones in the Translation Office for accomplishing this task.

Cultural Affairs Department

The Ahl al-Bayt (‘a) World Assembly

Introduction

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, the All-beneficent, the All-merciful

أَلْحَمْدُ لِلّهِ رَبِّ الْعَالَمِيْنَ وَ صَلَّى اللهُ عَلَى سَيِّدِنَا وَ نَبِيِّنَا مُحَمَّدٍ وَ آلِهِ الطَّاهِرِيْنَ وَ لَعْنَةُ اللهِ عَلَى أَعْدَائِهِمْ أَجْمَعِيْنَ

All praise is due to Allah, the Lord of the worlds, and may the blessings of Allah be upon our Master and Prophet Muhammad, and his pure progeny, and may the curse of Allah be upon all their enemies.

One of the most fundamental and essential questions in political philosophy is the question of exigency of government and state. The existence of an established government has been considered to be among the initial stages of departure of human life from its primitive and nomadic form, formation of human societies, and structural transformation in human life. Only a small group in the past and in the ۱۹th century—such as Claude Henri de Rouvroy Saint-Simon (۱۷۶۰-۱۸۲۵) and Pierre Joseph .Proudhon (۱۸۰۹-۶۵)—believed in the abolition of government from society

According to Saint-Simon, the human mind and intellect has the capability to relieve society from peril and organize it. In the opinion of the anarchists and those who oppose government, man has a pure nature that urges him to accept good desires and pleasant demands. This group also believed that a government is not in harmony with human freedom, and the

preservation of human dignity and freedom requires the uprooting of government .from man's life

Sociological studies show that man has always, and under all circumstances, regarded the formation of state and government as indispensable and based on his natural disposition [fitrah] and intellect ['aql], because of man's basic need of company and an innate inclination toward collective living. It is only under the aegis of social life and a cohesive organization, in which the rights of all are respected, that man can subsist. Otherwise, humanity will plunge into chaos, barbarity, savagery, injustice, .jungle-like inequality, and lawlessness

The forms of government and the existence of fundamental differences in the structure and approach of grand administrative systems of societies are based on different epistemological systems, various worldviews and their concept of human beings. If a human being is considered as a mere physical body, the ultimate aspirations for him would be to be well provided materially and his welfare, comfort and happiness be ensured. From this perspective, all efforts would be directed toward animal needs and pleasure. However, if we treat man as superior to materiality, and

lay the foundation of a political system based on the multi-faceted material and spiritual dimensions of human existence, a government would pursue man's material welfare and spiritual ascension. It is through this criterion and outlook on man and the choice of ideals that we shall examine the political thoughts as well as the performance of governments; because the origin of political thoughts is the very insight

.and ideal and without them political thoughts have no essence

Nowadays, in the realm of political discussions, only a few pay attention to the fundamental perspective on man and his sublime aspirations. The sociological approach focuses mainly on the material benefits totally sidetracking human aspiration and insight. Yet, it must be noted that in the school [maktab] of the prophets ('a),(۱) who were the true custodians of the establishment of exalted humane systems, optimism and idealism have been the foundation of movement and transformation. It is for this reason that through a comprehensive perspective consistent with the Qur'an, we realize that the creation of man, life and death, the sending down of the prophets ('a), and socio-religious systems are all based on a purpose, and the axis of all activities and programs, including the setting up of .government, is guidance [hidayah] toward that basic purpose

As such, governments must be set up not only for the physical administration of societies but for their spiritual growth as well. One-dimensional governments strive only for the material welfare and comfort of people. If, however, they are in pursuit of man's material comfort and spiritual ascension, they will also engage in guiding him. Man possesses God's spirit, and the essence of his existence consists of spiritual and celestial dimensions beyond the base material ones. To confine him to physical .administration without spiritual guidance is tantamount to belittling him

If the ultimate goal of government is the good and of man (in this world) and attainment of

The abbreviation, "'a" stands for the Arabic invocative phrase, 'alayhi's-salam, - ۱ 'alayhim'us-salam, or 'alayha's-salam [may peace be upon him/them/her], which is used after the names of the prophets, angels, Imams from the Prophet's progeny, [.and saints ('a). [Trans

divine proximity [qurb-e ilahi] and the axis of government is revolved around the guidance of mankind, undoubtedly the one most worthy to govern people is he who is the most aware of the real concerns and interests of man and perfectly cognizant of the dimensions and aspects of his existence, and that is nobody but God. The corollary of rational proof [burhan-e 'aqli] which is also confirmed by verses of the Qur'an is that the perfection of man lies in obedience to the One who is fully aware and omniscient of the truth behind him, this world and the hereafter, and the mutual link between him, this world and the hereafter, is nobody but God. So, worship and .guardianship inevitably belong to Allah alone

That is, the Sole Master of man is God, and sovereignty of other than God, only if it is anchored in His will and permission, will be legitimate. As such, the theory of the guardianship of the jurist [wilayah al-faqih], which is the axis of the Islamic government, needs to be established during the period of occultation [ghaybah] of the infallible Imam ('a). It is a theory which in recent centuries has drawn the close attention of Islamic scholars and jurists [fuqaha], and has reached its apex during recent decades. In comparison to the negation of religious authority, it turned out to be a useful, dynamic and socially transforming theory in the scene of the world of .politics

The Muslim world, during this contemporary era, has witnessed

two truly momentous phenomena. One is the negative view on politics and religious authority. This perennial view, which permeates all religions particularly Islam and leads to the political isolation of religious thought and the decrease of religious

movement, is a meta-religious onslaught that requires the scholars and intellectuals in the Muslim world to engage in elucidating and fortifying the pristine religious beliefs through profound and serious studies in order to be equipped with rational defense .against it

The second phenomenon is the presence of political thought based on wilayah al-faqih. Though, theoretically, this phenomenon has many precedents and different variations, its actual and concrete practice is traceable to the victory of the Islamic .Revolution

The Islamic Revolution of Iran—after a long and persistent struggle—attained victory under the wise and ingenious leadership of Imam Khomeini (q)(١), and through the overwhelming vote (٩٨.٢٢ ٪) of the Muslim people of Iran, the Islamic Republic was established. After the victory of the Islamic Revolution, a constitution based on Qur'anic verses and luminous laws of Islam was codified by a group of mujtahids,(٢) Islamic scholars and experts of the nation which, as acknowledged by legal authorities and experts, is regarded as one of the most advanced constitutions in the .world

Up to this stage, the legal standing of the Islamic Republic was specified and fixed, and wilayah al-faqih stipulated in the constitution as the symbol of Islam, the truthfulness of the system, the guarantor of its survival and immunity from possible danger, and, the main pillar

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١- The abbreviation, "q" stands for the Arabic invocative phrase, quddisa sirruh [may his soul be sanctified], which is used after the names of pious people. [Trans.]

٢- Mujtahid: an authority on the divine law who practices ijtihad, i.e. "the search for a correct opinion in the deduction of the specific provisions of the law from its principles and ordinances." [Trans.]

of the Islamic Republic. However, the events after the Revolution, the entanglement of the intellectual revolutionary forces with current problems, and the emotional,

exaggerated and superficial presentation of wilayah al-faqih resulted in an improper .scientific study, examination and elucidation of this issue

Nevertheless, the Islamic system successfully handled the problems and society moved toward peace and stability. Due to the critical inquiries of theoretical rivals, more attention was paid to it and its various angles were elucidated by intelligent and .wary scholars who were well aware of the conditions of the time

In view of the exigency to explain: (i) the Islamic political theory and present its position in political systems; (ii) to deal with the existence of doubts, concerns and intellectual challenges behind this theory; and, (iii) to confront the pervasive efforts of the external and internal enemies in opposing this wilayah al-faqih system; the wise, vigilant scholar struggling to defend and guard the sanctity of religion and revealed teachings, His Eminence Ayatullah Muhammad Taqi Misbah Yazdi (may Allah prolong his sublime presence), presented a series of discussions on Islamic political theory .before sermons [kutbahs] of the Friday congregational Prayer of Tehran

The present volume is the transcript of the said discussions compiled and edited by Mr. Karim Subhani and presented to you, dear readers, in two volumes (legislation and statecraft). It is hoped that this book is accepted by the concerned authorities and approved by Hadhrat Wali al-'Asr [His Holiness, the Master of the Age] (may Allah the

.(Exalted, expedite his glorious advent

Imam Khomeini Educational and Research Institute

(Tir ۲۶, ۱۳۷۸ AHS (July ۱۷, ۱۹۹۹

(Session ۲۴: Grand Strategies in the Realm of Governance and Implementation (Part ۱

The exigency of government

In initial discussions on Islamic political philosophy, I stated that, like any political system, the Islamic government has two basic axes: (۱) law and legislation, and (۲)

management and implementation of law. Previous discussions were essentially about the first axis, dealing with the importance of law, characteristics of ideal law, legislation in Islam and its conditions, while addressing the skepticism regarding the .above

The present topic is management and implementation of law. In order to have a clear understanding of the topic, we will realize that the more transparent and clear the goal and objective of an institution or organization, the easier it will be to understand its structure, working conditions and qualities in the people elected as its members. Therefore, to discuss the executive branch of Islamic government, i.e. its managerial aspect, we must be familiar with the reason for establishing the government including .the goal of its management

Notwithstanding the trend which considers government unnecessary, the majority of political philosophers regard the existence of government in society as necessary. That is, they believe that in society there should be a body which must issue orders, oblige people, implement ordinances acceptable to society and apprehend and punish violators. This premise is accepted by almost all thinkers and its need realized by every society. In Islam this premise is also affirmed, and in the words of the Commander of the Faithful ('a) recorded

in Nahj al-Balaghah: even if a society does not have an upright and meritorious government, a tyrannical government is still better than the absence of any government.(١) It is because in the absence of government or the executive, there will be chaos, the rights of individuals violated and the interests of society trampled upon. So, according to Islam, one of the most important social obligations of people is the .establishment of an upright government so as to guarantee the interests of society

Different approaches on objectives of executive power

We all know that executive power is for implementation of law, and thus, its objective is implementation of laws, but the nature and structure of the law which the state is

trying to implement must be seen. The objectives of law are nothing but two: material and spiritual. In general, all those who are involved in debates on political philosophy acknowledge the fact that the state must secure material interests of people, but there is a difference of opinion about guaranteeing spiritual interests of people; whether they should be reflected in law, the government implement such a law and .guarantee its implementation

Since long, many schools of philosophy have believed that the government must also guarantee spiritual values and the law guaranteed by the government must take human virtues into account. Even in non-religious schools of philosophy some ancient Greek philosophers like Plato regarded paving the ground for the flourishing of human virtues as the duty of government. He asserted that the government must be run

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۱- "The fact is that there is no escape for men from rulers, good or bad. The faithful persons perform (good) acts in his rule while the unfaithful enjoy (worldly) benefits in .it." Nahj al-Balaghah, Sermon ۴۰

by men of wisdom and those who are the best in terms of moral virtues. The saying "The men of wisdom must rule" is attributed to him. So, non-Muslim and non-religious philosophers—those who are not followers of the religions with heavenly origin—have also laid stress on spiritual issues and moral virtues. Even the philosophers with no religious beliefs have emphasized the observance of moral virtues in society and .the creation of an atmosphere for the moral growth of people

After the spread of Christianity in Europe, the Roman Emperor Constantine's conversion to Christianity and his propagation of it in Europe, and adoption of Christianity as the official religion of civilized countries in Europe, religion was attached to government and the goal of government was to secure religious objectives. That is, the statesmen also used to implement what they had accepted as Christianity. Since the Renaissance, the Westerners experienced an intellectual revolution and endeavored to separate moral issues from the realm of government

.concerns

After the Renaissance many developments took place in Europe which became the origin of the new Western civilization, and their hallmark is the separation of religion from the realm of social concerns. It was during that time that philosophers discussed about politics, wrote books, founded schools of thought, and consigned moral virtues .and spirituality to oblivion

Among these philosophers was Thomas Hobbes, the English philosopher, who believed that the only function of government was to prevent anarchy. According to him, like wolves, human beings by nature would be

at each other's throats and destroy one another. Accordingly, a body was needed to curb the wolf's instinct in them and prevent their aggression against one another. Following him, John Locke, who was the founder of Western liberal thought and whose ideas are still discussed and more or less accepted in all political and academic circles in the world, presented maintenance of security as the purpose of .government

According to him, what human beings need in life is a controlling agent called "government" in the absence of which social order will not come into being, anarchy will prevail, security will be lost, and the life and property of people will be endangered. He says, "We want government to fill this vacuum, other matters have ".nothing to do with government

Of course, the separation of religion from government and social affairs does not mean that none of these theoreticians gave importance to moral virtues and spiritual values. In fact, they said that individuals would have to pursue these matters themselves because they had nothing to do with government. Those who believe in God have to go themselves to the temple, church or anywhere they wish and engage in worshipping God. Similarly, moral virtues such as honesty, good conduct, respecting others, attending to the poor, and others are valuable, but considered personal

matters. Individuals themselves have to strive to acquire these pleasant moral .virtues, for government has nothing to do with them

,So, the objective of social law, i.e. what government must implement

is only maintenance of security in society so as to protect the life and property of people. Likewise, executive power has no function except maintenance of security and protection of people's lives and properties. In the words of Locke, apart from protection of life and property, protection of personal freedom is also considered part of security. Regarding moral and spiritual interests, the maximum thing he said was that social law must be such that it does not conflict with morality nor hinder the .worship of God

With respect to preservation of moral values, however, social law and government would not assume the responsibility of preserving religious values and creating an atmosphere for spiritual and religious growth. Nowadays, this statement of Locke is the gospel and constitution of most schools of philosophy. Their principal motto is that the only duty of government is preservation of security and freedom, and it has no responsibility towards religious and moral affairs. This is the fundamental difference .between Western thinkers in the world today and Islam

Aim of prophets ('a) in establishing government

The view of prophets ('a), especially the Great Prophet of Islam (s) is that apart from securing the materials needs and interests, securing the spiritual interests is also part of the duty of a government. In fact, securing spiritual interests takes precedence and is more important than securing material interests. The government must implement the law whose ultimate objective is to secure the spiritual, religious, moral and human interests—the same things regarded by religion as its ultimate purpose, because the

perfection of man depends on them. It considers the purpose of the creation of man,

.endowed with freewill, to know and pursue this lofty objective

The axis of these matters is nearness to God which is, thanks to God, well entrenched in Islamic culture today. In fact, it has gained currency among Muslims and even those who do not correctly know its meaning are familiar with its expression. Common people who do not know how to read and write, daily use the expression "qurbatan .[ilallah" [for the sake of nearness to Allah

Law that is implemented in society must be geared towards the realization of the ultimate goal and purpose behind the creation of man which is nearness to God. The social life of man should progress in this direction and other issues and animal dimensions are valuable provided they are a prelude to his progress, spiritual .perfection and proximity to God

The goal of state can also be identified once it is proved that the purpose behind the codification of social laws is to secure both spiritual and material interests, as a matter of course. The state must consider protecting the life and property of citizens, paving the ground for the spiritual growth of human beings and combating anything that is against the realization of this objective, as part of its duty. This is in reality a preliminary and not the main goal. That is to say, it is a means to achieve a loftier goal. Hence, laws to be

recognized officially in Islamic society should be totally concordant with religious foundations and geared toward the spiritual and religious growth of human beings. For them not to be inimical to religion is not enough; they must be attuned to the goals of religion. The Islamic state must also combat religious disbelief and hostility to .religion and materialize religious objectives

In a religious society, it is possible that certain material needs may not be provided temporarily because of the expediency to attend to some spiritual affairs. If the ordinances of Islam are implemented, in the long run material interests of people will also be better secured than in any other system. However, if to provide for all material

interests will undermine religion within a limited period, one should only provide for material interests that will not undermine religion, because spiritual interests take precedence. But in Western countries what we have said is not credible. They are only concerned with material objectives and the state is not responsible for spiritual .interests

Impact of social challenges on conduct of liberal system

Sometimes, people protest that in the West spiritual and religious interests are also attended to. Westerners also offer sacrifices and pay attention to social problems. Of course, this contention is correct and we acknowledge that not all Westerners are individualistic. Prevalence of liberal thought does not mean that all people in the West are influenced by it. What we mean is that liberalism dominates Western societies and because of social

p: ۱۶

necessities they are sometimes compelled to act contrary to the dictates of their .philosophy

That is, because of some exigencies even those who are individualistic and liberal have social considerations, and in order to prevent an uprising and revolt by the majority of people, they have to consider the deprived. In practice, in many countries ruled by socialists and social democrats, a great portion of the taxes levied are spent on social services. Their materialist philosophy does not make such a demand but in .order to maintain security, they are compelled to provide these facilities

The point is that liberalism demands one thing and the action of its proponents exhibit something else. In fact, this criticism is leveled at them— liberalism and individualism does not expect them to take these things into account; so, why do they provide social securities and facilities which are in favor of the deprived? The reply to this question is that these facilities are meant to safeguard the capital of the capitalists and prevent communist uprisings and Marxist revolutions. Before Marxist thought was put into practice in Marxist countries, it was prevalent in Western countries. Karl

Marx, a German scholar who lived in the U.K, initially promoted his ideas and books there. Studying his works, the English statesmen realized the perils Marx had brought .them and parried them in anticipation

The Labor Party and socialist tendencies that came into being in Britain and the programs in favor of the deprived implemented there were all meant

to counter Marxist tendencies, because it was predicted that the advancement of capitalism would urge the majority of people to stage an uprising. In order to preempt .that they attended to the poor and silenced them

This attitude was beyond the dictates of their capitalist school but it aimed at protecting the interests of the capitalists. In any case, liberalism asserts that the state .does not have any responsibility in relation to spiritual affairs

Possibly, they would complain to us, saying: "In principle, in the Western countries the state levies taxes from people for the church. Why do you accuse them of being heedless to religion and spirituality?" This is the reply: This is also not dictated by liberal thought. In fact, their purpose is to win the hearts of the religious and make use .of the power of the church

Our concern here is their philosophy and their frame of mind. If ever they engage in some religious activities, it is meant to protect their own interests. In a bid to win elections, they strive to win the hearts and votes of the religious. Sometimes, during the presidential elections in the U.S of America, presidential candidates are seen going to church and drawing the attention of people. It does not mean that they are .proponents of religion in the affairs of government

Reason behind individuals' inclination towards liberalism

According to Islam, protection of spiritual interests which can be realized under the auspices of religion is among the essential and primary objectives of government. This is the key

point of difference between Islam and other schools of philosophy dominant in the world today, and we cannot follow the West with respect to the mode of governance and duties of government because of this fundamental and basic difference with them. Once the objective is forgotten, the structure, conditions, duties, and .prerogatives will change accordingly

In reality, the reason behind the ambiguity and deviation in ideas and thoughts of individuals—even those who are not spiteful—and the ambiguities and deviations they express in their newspapers and books is that they have not paid attention to the objective of law and government from the Islamic viewpoint and the difference between Islam and other schools. They have accepted the essence of Islam. They also really believe in God, say their prayers and observe fasting. They do not deny and reject religion either. Practically, however, they totally follow the West in sociopolitical issues. They no longer enquire whether a certain method is consistent with Islamic thought or not. They say, "Today, the world is administered in this way and we cannot go against the dominant current in the world. Today, the world's civilization is Western civilization and the dominant culture is the liberal culture. We cannot go "!against this trend

We, however, must first understand what Islam theoretically says; whether it accepts whatever is practiced in the West or not. Secondly, in practice we have to see whether we can implement the commandments of Islam or not. Assuming that we cannot ,implement them in practice

at least we have to know that Islam does not accept the liberal approach and attitude. So, we should not attempt to present a non-Islamic approach as Islamic. During the time of the taghut, we could not also put into practice the Islamic methods but we knew that that government was not Islamic and some of its policies were anti-Islamic. Thus, the absence of the ground for implementation of the commandments of Islam .does not make us say that Islam has been changed

Even today, in some cases, we may not be able to implement Islam yet we are not supposed to say that Islam is exactly what we are doing. We have to understand Islam as it really is, and if we cannot practice an aspect of it, we have to beseech the forgiveness of God for our failure to do so, and if ever we have any shortcomings, God forbid, then we have to ask apology from the Muslim nation for our shortcomings in implementing Islam. So, we should not make any change in Islam and we should bear in mind that Islam is the same religion which was propagated by the Prophet of Islam .(s) ۱,۴۰۰ years ago

A perspective on the structure of Islamic government and state

Therefore, the objective of the Islamic government is definitely the realization of Islamic and divine values in society and under its auspices the realization of material interests, and not the opposite. We also need to know the structure

of the Islamic government and the qualities of those who should take charge of .government

No doubt, the principal duty of executive power in any political system is the implementation of law, and this point is acknowledged by everybody. The Islamic state guarantees the implementation of Islamic laws and the realization of the objectives of those laws. Now, the question is: In any political system—whether Eastern, Marxist, Western liberal, or any other existing system—what qualities and features should the institution that wants to implement laws have? In reply, it must be :stated that law-enforcers in any political system should possess at least two qualities

Knowledge of law: How can the person who wants to guarantee the implementation .۱ of a law implement it if he does not know and understand it? Knowledge of law is the first condition and quality that the state must possess if it wants to guarantee the implementation of laws for if it has no correct knowledge of the laws' dimensions and angles, it will probably commit mistakes in implementation. As such, the ideal option is that the person who heads the government must be the most knowledgeable in law

.so as to commit the fewest possible mistakes in implementation

Ability to implement law: The institution that wants to guarantee the .۲ implementation of law must possess sufficient power and capability to implement it. If it wants to rule over a nation of ۶۰ million people, nay a nation of one billion people like China, and implement

laws and ordinances for them, it must possess sufficient power and capability to implement them. This point is so important that nowadays in many schools of philosophy, "government" has been treated as synonymous with "power" and one of the key concepts in political philosophy is the concept of "power". In any case, we .should bear in mind that the government must have power

Since time immemorial, along with developments in human society, there existed different concepts of power. In simple and primitive governments—like the tribal governments which existed thousands of years ago in approximately all parts of the world—power basically focused on physical power which existed in the tribal chief or ruler. In those societies, the person who was physically the strongest was recognized as ruler; for, if there were any violator, the ruler used his physical power to punish .him. Thus, in those days, power was only physical

When social conditions became complex and there was further social growth and advancement, the physical power of a person was transformed into the power of an institution. That is, even if the ruler was not physically strong, he could have people at his disposal that had considerable physical strength. He could have a strong army and military force composed of strong men. With the advancement of knowledge, power went beyond the physical realm and was transformed into scientific and technological power. That is, the ruler was supposed to possess instruments that could successfully .perform physical tasks

With progress and development in societies

and advancement of various industries and technologies, including the daily qualitative and quantitative advancement of military equipment, the state had no option but to acquire and equip the military with sufficient physical, industrial and technological power, to be able to suppress any uprising, prevent violations and people from embezzling property and endangering lives, by means of the power at its .disposal

The government must be accepted by the people

The power or force we have so far mentioned is confined to bodily or physical power which was considered important in primitive and advanced forms of government and which is still utilized. We can also observe that states strengthen their military and defense structure and stockpile military arms and equipments to make use of them in times of need. It must be noted, however, that the power and capability of a government is not confined to this. In fact, in progressive societies the power and .authority of a state largely emanates from social influence and popular acceptability

Not all demands and programs can be imposed on society by means of violence or brute force. Essentially, the people voluntarily and willingly accept and implement laws. So, the person who is entrusted with implementing laws and is at the helm of affairs must be accepted by people, as in the long run, the mere use of physical force .and power will not do anything

Thus, the executive official must also possess social authority and acceptability. As such, in order to prevent any problem in the domain of management and pursue

social interests, the distinctive qualities of executive officials must be determined so that they can guarantee the objectives of the government and law. That is, they really qualify to run the government and guarantee implementation of law. This is discussed in various forms in political philosophy and is usually known as social legitimacy and .popular acceptability

It means that the government must have a rational basis and adopt the correct way of implementing law, and people must consider it legally credible. In addition to the fact that the executive official must enjoy physical power to be able to prevent violations, the people must believe in his credibility and regard him deserving to rule. Thus, we have three types of authority. The first two types have been recognized in all societies. Of course, there are differences in forms of implementation in different schools and forms of government. Yet, what is most important for us is the third form .of authority

(Session ۲۵:Grand Strategies in the Realm of Governance and Implementation (Part ۲

Government as perpetually needed by human society

In order to theoretically explain the need for government to our people and keep them away from committing certain fallacies, it must be noted that the said theory is based on the reality of human societies. A person who closes his eyes to reality and human nature, and engages in analysis and concludes that humans are angelic, have .a pure disposition and are only in pursuit of goodness and virtue, is sadly mistaken

According to him, if correct education and training is provided to people their moral motive will bind

p: ۲۴

them to abide by the law and never violate it, and, if true laws, individual and social interests, and harms of violating laws are clearly explained to people and they are given the freedom to choose, no one will engage in corruption anymore and everybody will act according to law. It will be as simple as a person who knows that a given food is poisonous refrains from eating it. Similarly, people will accept what is good for them and avoid what is harmful. In this case, there will be no need to impose !laws on people by means of brute force and pressure

Such a notion is both illusive and idle. Those who know the reality of human life and society, are familiar with the history of mankind and can never imagine that in the near future, a time will come when as a result of the spread and promotion of moral

values among people, all will spontaneously perform good deeds and not resort to evil —nobody will lie, commit treason, encroach upon the property and honor of people, .violate others' rights and no country invade its neighboring lands

Need for government according to Islam and the Qur'an

Islam also regards it absurd and unrealistic to say that society is needless of government and brute force even when it possesses sound training, knowledge of law and what is beneficial and harmful. In the verses about the creation of Hadhrat Adam ('a), the creation of man has been explained in such a manner that his weakness

p: ۲۵

:and possibility of going astray is clearly indicated

(وَإِذْ قَالَ رَبُّکَ لِلْمَلاَئِکَهِ إِنِّی جَاعِلٌ فِی الأَرْضِ خَلِیفَهً قَالُواْ أَتَجْعَلُ فِیهَا مَن یُفْسِدُ فِیهَا وَیَسْفِکُ الدِّمَاء وَنَحْنُ نُسَبِّحُ بِحَمْدِکَ وَنُقَدِّسُ لَکَ قَالَ إِنِّی أَعْلَمُ مَا لاَ تَعْلَمُونَ)

When your Lord said to the angels, 'Indeed I am going to set a viceroy on the earth,'" they said, 'Will you set in it someone who will cause corruption in it, and shed blood, while we celebrate Your praise and proclaim Your sanctity?' He said, 'Indeed I know (what you do not know'."(۱

When the angels recount the social corruption and bloodshed of human beings, God does not deny it. Instead, He highlights the wisdom beyond the creation of man which .is unknown to the angels

Similarly, in some other verses God mentions some moral weaknesses of man, as in :the following verses

(إِنَّ الْإِنسَانَ خُلِقَ هَلُوعًا إِذَا مَسَّهُ الشَّرُّ جَزُوعًا وَإِذَا مَسَّهُ الْخَیْرُ مَنُوعًا)

Indeed man has been created covetous: anxious when an ill befalls him and grudging" (when good comes his way."(۲

(إِنَّ الإِنسَانَ لَظَلُومٌ كَفَّارٌ)

"Indeed man is most unfair and ungrateful!"(٣)

It is interesting to note that in the latter verse God describes man as "zalum" which is the superlative degree [Sighah al-Mubalighah] and means "most unfair". This description indicates that inequity, insolence and ungratefulness in human beings is such that it cannot be neglected, and human societies will always be replete with injustice and ingratitude. The notion is unacceptable that through education, training, enlightenment, admonition and counsel, people can build a

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١- Surah al-Baqarah ٢:٣٠.

٢- Surah al-Ma'arij ٧٠:١٩-٢١.

٣- Surah Ibrahim ١۴:٣۴.

society whose members are all well-mannered and refined and no one violates laws and moral values, and where there would be no need anymore for government and the police force.

The Qur'an also opposes this notion and indicates that in human societies with different motives there will always be violation. Of course, social scientists are discovering and identifying the factors behind individuals' violation and commission of crime, and have identified some as ignorance, illiteracy, genetic and environmental factors. This is not our concern at present as we only intend to state that violation of law and commission of crime and sin always existed, and will be the same in future.

Of course, we believe that by the grace and blessing of God, a time will come when through Hadhrat Wali al-'Asr (may Allah expedite his glorious advent) the ideal Islamic and divine society will be established. It must be noted, however, that even that society will not be totally free from violation of law, in addition to the fact that it will also not persist forever. It is even mentioned in some traditions that some will revolt against the Imam of the Time (may Allah expedite his glorious advent) and cause his

.martyrdom

It cannot even be expected therefore that during the rule of Hadhrat Mahdi ('a) society will become totally ideal and desirable and completely devoid of sin and transgression. Of course, the structure of that government and his exercise of authority will be such that no oppression and corruption will

p: ۲۷

continue unanswered, the implementation of justice will be all-encompassing, and violations in social and public life will diminish, but they will not be uprooted in total. This is because man will not acquire an angelic nature. As in the past, there will always .be room for insolence, sin, violation, and transgression in him

Thus, paying attention to reality prompts us to acknowledge the exigency of state and government. One must mingle with people and observe their conduct and behavior—see how even good and meritorious individuals commit sins and offences sometimes. Naturally, in order to deal with and prevent violations, sound and necessary laws must be implemented (and I dealt with the necessity of codifying and enacting them), for if laws for implementation and execution in society are codified, they must have implementers and executive guarantors. The fundamental reason for having a government is to guarantee the implementation of laws at all levels of society. This is the point we are presently concerned with. God willing, we shall deal with the duties and prerogatives of government, its organizational structure and other related issues .in future discussions

The exigency and source of power

A government possessing brute force and sufficient power must be established so as to manage affairs, implement laws, defend beliefs and values, maintain internal and external security, prevent violations, thwart conspiracy, and hamper external aggression to Islamic society. For this reason, in political philosophy the concept of power is pivotal. In fact, some have even described "politics" as "the science of power". Admitting the necessity of

a government or executive power possessing power and authority, the question arises: What is power and on what basis do certain people acquire power and ?authority to implement laws and deal with violations

Some members of human society always tend to commit crimes due to various reasons such as weakness of intellect, lunacy, bad upbringing, and the like. They set a place on fire, open fire on innocent people, or commit crimes which, thank God, are rarely committed in our Islamic society. But statistics show that that same usually happens in the most advanced Western or European countries. As stated in reliable sources, in the capital of one of those countries, a certain number of murders are .committed every minute

These statistical records are reflected in the official papers of those countries. But if a murder or another crime is committed in a certain part of our country of ۶۰ million people,(۱) we will be surprised why such a crime is committed in the Islamic republic! In a bid to confront and deal with these crimes, there must be an institution .possessing physical and material force to guarantee the implementation of laws

Thus, the first condition in guaranteeing implementation of laws and dealing with violators is the possession of material, physical, and even bodily force and power. With the advancement in science and technology, sophisticated arms, instruments, tools and electronic devices are at the disposal of law-enforcers to penalize criminals. Keeping in view this necessity, each government—big and small, advanced

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۱- Based on the ۶th Population and Housing Census conducted in October-November ۲۰۰۶, Iran has a population of approximately ۷۰ million. [Trans.]

or not—has a disciplinary force for dealing with crimes and maintenance of internal .security

The quantity and quality as well as the arms and equipment at the disposal of the disciplinary force are concordant with the type and structure of the government employing it. That is, the smaller and not-so-advanced governments tend to have meager forces and simpler military equipment while the more advanced, extensive and complex governments tend to have larger forces and more sophisticated and powerful arms, equipment and arsenal.

Without possession of brute force, implementation of laws cannot materialize. There must be brute force to call criminals to account, punish them and act as a deterrent.

Similarly, in order to protect and defend the frontiers against external enemies, the exigency of a potent deterrent force with sufficient equipment and facilities can be well understood. In the structure of states, the burden of this responsibility is shouldered by the army and disciplinary forces so as to defend the country's frontiers.

Administrators must be God–wary and morally sound

However, mere possession of bodily power and physical ability is not enough for assuming an executive post and guaranteeing law. Anyone who wants to achieve this objective must also be God-wary and morally sound; for, if he is impious, he does not deserve the power at his disposal nor will he benefit society but will cause problems and exploit that power and position.

During the period of struggle of the Iranian nation against the regime of the taghut, prior to the victory of the Islamic Revolution

the Imam (q) said that arms must be placed at the disposal of righteous and meritorious individuals so that aside from struggling against the regime of the taghut they can pursue the rights of people and the sovereignty of Islam, and not only think of acquiring power. Once arms are at the disposal of undeserving individuals, power is actually at the disposal of powerful devils who bring nothing to society except corruption and destruction.

Of course, the implementer of law must have enough knowledge of law and its different dimensions and aspects. As law enforcer, each of the executive officials, in whatever political echelon, must have enough knowledge of law; otherwise, even if the person does not want to act according to his own desire and is determined to act upon the law, he will commit errors in practice and not apply the law correctly. Although such a person has no bad intentions and is morally sound, his lack of knowledge of law and incorrect interpretation will lead to misguidance and deviation, .and in practice, trample upon the interests of society

Therefore, the one who is in charge of implementing law must have knowledge of it, enjoy executive power and be pious and morally sound. In the religious texts, these three qualifications are described as: expertise in jurisprudence [fiqahah], God-wariness [taqwa] and executive and administrative acumen. Of course, each of these three general qualifications has its own secondary parts and aspects which are not part of our present concern. Presently, we

.will focus more on the general rather than the particular

An examination of the legitimacy of government in political philosophy

This is one of the profound topics in political philosophy which has been examined in various forms based on different schools of thought and is expressed diversely. One of these expressions is "social power" which government officials must possess. The question now is: From where does a government acquire "social power" legitimacy, the right to take charge of government and implement law? On what basis does a person acquire the right to occupy the highest post in government? In a country of ۶۰-million population with many experts, highly educated and meritorious figures, why is it that only one person occupies that highest post? Who grants him this power? ?Basically, what is the criterion of legitimacy of government and government officials

The different political and legal schools have given diverse answers to the abovementioned questions, but the answer which is shared by the world today is that

power is granted by people to the ruling body and chief executive. This power is granted to a person only through the general will and approval of people, and other ways of transferring power are illegitimate. It is not possible for a person to inherit such power from his father. In monarchical systems the notion is that power or sovereignty is hereditary. When a monarch dies, power is transferred to his son as an inheritance. This hereditary power is transferred from father to son, and people have .no role in it

This form of government still

p: ۳۲

exists in some countries but the dominant culture in the world today and world public opinion does not accept this system and theory. Assuming that a person deserves to rule the people, it does not follow that after him his son is definitely the most competent person to take charge of government. People do not consider it as the most appropriate option. Besides, they clearly witness that there are others far more .competent than the person who inherits political power

It is on account of the unpopularity of the monarchical system that monarchy has become ceremonial in nature and its power delegated to a person elected by the people, for example, the prime minister. In reality, in those countries only the royal .title remains for the monarch and actual power lies with the elected representative

In the dominant democratic system of today, the person who is competent to take charge of government and executive power is the one who is elected by the people, and it is only through their will that the government acquires legitimacy. Of course, there are different forms of elections and the people's will is manifested in different countries in different ways. In some countries, the chief executive is elected through the direct vote of the majority of people while in other countries the chief executive is chosen by parties and deputies elected by the people. In reality, the parties and members of parliament serve as the medium between the people and the chief ,executive. In any case

once a person is directly or indirectly elected by the majority of people, the power to rule is granted to him and thereby, as the chief executive he assumes the function of .leading and guiding society

According to this contract, during a temporary period of two years, four years, eight years or even a lifetime, the people are subject to the command and order of the .elected ruler in accordance with the law accepted in various systems and countries

Under this assumption, the power of the law enforcer or his government is derived from the people. He will not succeed, if the people do not approve of him. This idea or theory has various dimensions; philosophical, anthropological, conventional and empirical. Having experienced and observed the various forms of government, a .given form of government has been identified as the best and most efficient form

Once the legitimate government is formed, the people are bound to accept its laws and agree on following and obeying it. The Islamic system tackled and accepted this matter prior to its discussion in other schools and societies. The participation of people, their election of government officials and public consensus on it has long been theoretically discussed in Islamic society. Besides, it has also been put into practice. Imposing authority on others on the basis of inheritance or by the use of force is not only doomed to failure but also condemned by Islam. Thus, though Islam acknowledges the necessity of public consensus the question is: Is public

consensus and people's acceptance enough for the legitimacy of government according to Islam, or legally speaking, does the Islamic government only do what is ?approved by the people

In some newspapers, articles and books, it is written that in the world today acceptability [maqbuliyyah] and legitimacy [mashru'iyyah] go hand in hand. The basis and proof of a government's legitimacy and right to rule is that the majority of people

vote for it. In other words, legitimacy emanates from acceptability. Once the people accept a person and vote for him, his rule shall be legitimate and legal. This is the democratic viewpoint generally accepted by the world today. Our question is: Does ?Islam accept this view

Difference between Islamic and liberal perspectives on legitimacy

In reply, it must be stated that what is discussed in the wilayah al-faqih theory and preferred above all forms of democratic governments is that the basis of a government's legitimacy and legality in Islam is not the people's vote. However, the people's vote is like the body while the soul of legitimacy is the permission of God. A Muslim regards the universe as God's dominion and believes that all people are His servants, and for this reason, there is no difference among individuals as they are all ,equal in servitude to God. As the Holy Prophet (s) says

أَلْمُؤْمِنُونَ كَأَسْنَانِ الْمَشْطِ يَتَسَاوُونَ فِى الْحُقُوقِ بَيْنَهُمْ

(The believers are like the teeth of a comb; they are all equal in rights."(١"

So, as servants of God, all are equal and as such there is

.Bihar al-Anwar, vol. ٩, p. ۴٩ -١

no difference and distinction between them. All humans are equal in humanity and none is superior to others. Man and woman, white and black are all equally and essentially human. How, it can be asked, and on what basis does a person acquire power through which he exercises sovereignty over others? We accept that the law enforcer must possess brute force which he can employ in times of need. We stated that executive power without brute force cannot perform its duties and the raison d'être of executive power is nothing but brute force through which it compels people .to obey the law

Now, if brute force is not at work and the government can call on the people to obey

the law by means of mere counsel and admonition, the presence of the ‘ulama’ and moral teachers would suffice. The philosophy behind the existence of brute force is that it can be employed in times of need to deter any violation of law, so that anyone who infringes upon the property and honor of another can be apprehended, .imprisoned or punished

The execution of punishments prevalent in the world today and also determined by Islam for violators—one of which and the most known is imprisonment—deprives man of some liberties. A person forcibly confined to an enclosed space has been deprived of his most fundamental freedom. The question is this: On the basis of which right can a person deprive a violator of his freedom? Law enforcers’ power to deprive a violator

.of law of his liberty and rights must be legitimate and rightful

It is true that the offender must be punished, but why is this punishment exercised by a certain person and not just anyone? Selection of a given person for implementation of law and bestowing of legitimacy to his action must have some basis, because his action is an exercise of authority over human beings. He who imprisons the criminal actually exercises authority over his being—depriving him of freedom and rights, confining him to a limited space and not allowing him to go wherever he likes. He is .like a king who is punishing his own slave

Since dealing with criminals and violators means deprivation of their freedom and rights and is an exercise of authority over human beings, in the Islamic perspective, the basis of legitimacy of executive power is something more than majority vote. The basis of legitimacy is the permission of God because human beings are all servants of God and He has to grant permission to others to exercise authority over His criminal servants. All people—including criminals—have freedom and this freedom is a divine grace bestowed on all human beings and no one has the right to deprive others of this freedom. The one who has the right to deprive others of freedom is the Master of .them all and that Master is none but God

As such, in the Islamic perspective and approach, in addition to that which is regarded in all humane and rational systems as

p: ۳۷

necessary for the formation of executive power and in essence government, another basis or criterion is also necessary which is rooted in Islamic beliefs and tenets. According to our beliefs, God is the Lord and Master of the universe and mankind. Such belief demands that exercise of authority over His creatures must definitely be done by His leave. On the other hand, laws that define crooked actions and consequently restrain liberties cannot be implemented by the citizens themselves as it requires an institution to pursue their implementation. Consequently, a government .or executive power possessing brute force must be formed

Undoubtedly, a government or executive power cannot function without exercising authority over God's creatures and restricting the liberties of individuals. We have stated that exercise of authority over creatures, though only in the form of restriction of freedom of the criminals and offenders, is justifiable for the One who has such a prerogative, and this prerogative or merit is delegated to others by God only because He is the Master and Lord of mankind and He may authorize the government to .exercise authority over His creatures

The advantage of the theory of wilayah al-faqih over other theories about government introduced in political philosophy is that it is rooted in Islamic doctrines and monotheism [tawhid]. Under this theory, the government and the exercise of authority over people must be sanctioned by God. On the contrary, to believe that to exercise legal authority on the action and liberties of others does not require the

p: ۳۸

.[permission of God is a sort of polytheism [shirk] in the Divine Lordship [rububiyyah

That is, if the law enforcer believes that he has the right to exercise authority over the servants of God without His permission, he actually claims that just as God has the

right to exercise authority over His servants, he also has the same right over them, and this is a form of shirk. Of course, it is a form of shirk which does not render a person as apostate [murtadd]; rather, it is a lower form of shirk which is equivalent to transgression and disobedience, which is a not a minor sin. How can a person consider himself equal to God and claim that just as God exercises authority over His servants, he also has the right to exercise authority over them by relying on their vote? Do the people have any authority that they can delegate to others? The people are all .servants of God and the authority over them is in the hands of God

If we correctly analyze the Islamic perspective and approach on governance, we will arrive at the conclusion that in addition to that which is acceptable to all rational people in the political systems in the world, there is another thing that must be taken into account, and that is the government's need for the permission of God to exercise authority over His servants. According to this theory, the legitimacy of government is derived from God while the acceptance and

.vote of the people is the condition for the formation of government

Session ۲۶: Special Functions of State and Islamic Perspective on Public Participation

Exclusive functions of state

Apart from the necessity of guaranteeing implementation of laws, there are also other reasons behind the exigency of government or executive power. It is by means of considering the aggregate of these reasons that it becomes possible to logically explain and justify the government's set of obligations and prerogatives. If the duty of government were only implementation of laws and ensuring their implementation, such purpose would be met by organizing the armed forces. Yet, governments, including the Islamic government, have other obligations, such as providing for public .needs of society, which are beyond the limited domain of individual action

Sometimes, we study the life of man and examine his needs as an individual. Naturally, the person concerned must meet these needs through hard work by acting

within the framework of rules and regulations. However, some needs are related not only to the family or a certain person but to the whole society or a wide section of it. For example, internal and external security is a public need. Designing the necessary means to combat domestic violence, law violation and insecurities and organizing a potent defense force to resist external enemies that threaten the Islamic country are not related to a specific section of society. They are related to all members of society. Since a certain person or a few people are unable to meet such needs, they must be met by the whole society. No doubt, by

p:۴۰

introducing rules and taking necessary steps, the government on behalf of society .can meet such needs

An organized movement and effective and appropriate military force is needed once there is a threat along the borders. In reality, the all-out participation in a defensive war must be based on law. Here, personal and subjective operations and activities based on personal preference cannot bring any good result and cannot stop the enemies' satanic forces and their organized and well-planned military manoeuvres. Through efficient programs and schemes designed by an organization which is comprised of military experts, who are familiar with the dangers posed by the enemy and their level of facilities and capabilities, military forces must be organized for war operations. Such need can be met only by an organ which enjoys full authority over all .members of that society

By designing special programs and rules, it is the government which can mobilize people to participate in the war to thwart the danger to their country. In addition, to be prepared to confront external and internal threats, necessary defensive armaments and facilities must be acquired and efficient military training of individuals must be taken into account so that the country can have sufficient guards for external threats, as well as for internal security. This important task can only be shouldered by .the government whose orders are obeyed and regarded as binding by the people

The examples mentioned in relation to the second reason behind the need for

government, i.e. meeting the public needs

p: ۴۱

of society, give importance to defense issues of the country and confronting external enemies. In our country, the armed forces, comprising of the army and the Islamic Revolutionary Guard Corps (IRGC), are discharging this crucial and vital duty. Also, the examples we mentioned in relation to the first reason, i.e. guaranteeing the implementation of law, pertain to the maintenance of internal security and practical ways of compelling offenders to obey the law. This important duty has been placed .upon the disciplinary forces

Among public needs which cannot be met by individuals and must be addressed by the state are the medical needs of society. Society has always been on the verge of succumbing to contagious diseases some of which pose serious threats, and if not prevented can cause heavy human loss. In the past, human societies had been afflicted with contagious and infectious diseases such as cholera, plague, and small pox which caused heavy human losses because of the lack of advanced knowledge in medicine and hygiene and overall programs. Through interstate programs and the use of obtained knowledge and facilities in medicine today, prevention and elimination .of those diseases became possible

For instance, infantile paralysis (poliomyelitis or polio) caused heavy human loss to us, but through planning, grand medical activities and initiation of vaccination programs, our country has obtained valuable results. Undoubtedly, without state planning and public participation, such programs could not have materialized. A power superior to that of individuals, i.e. the government, by planning, providing facilities, issuing

p: ۴۲

required orders, and codifying special rules and regulations must take a step in the scene of action and people must follow government orders so that society's health .need can be met and the root of diseases that threaten society be eliminated

Similar to the above is the war against the smuggling, distribution and use of narcotic drugs, for this ruinous catastrophe seriously threatens the physical, psychological and emotional wellbeing of society. Without interference of the state, serious steps and well planned programs, it will not be uprooted, nor the limited measures of individuals make considerable difference. As such, because of the multiplicity of those needs and the difference among them, a ministry has been considered for meeting each of them

Of course, individuals can meet many needs of society, but the motive to meet them does not exist in everybody nor is it equally strong. Left to individuals, they cannot be met satisfactorily and sufficiently. Some sections of society will still be deprived of those facilities and needed things. Therefore, meeting those needs has also been delegated to the government so as to avoid any shortcoming. For example, people can be entrusted with the construction of schools, learning centers, academic curricula and provision of the budget needed by those centers throughout the country .as done before

Today, in some advanced countries, the administration and maintenance of many of these centers has been entrusted to the people but, unfortunately, all individuals do not have a strong motive to construct or provide the

p: ۴۳

budget for those educational institutions where children can pursue their studies on different levels. Of course, we do not deny that there have always been philanthropists who shoulder heavy expenses of construction of schools, but their activities are limited and do not cover all levels of society. If the government .delegates this need to volunteers, the interests of society will not be ensured

Therefore, the government must have a pertinent program and policy in order to serve the interests of society. The budget for these needs must be allocated by the people. That is, by levying taxes and other custom duties and considering necessary ways, the government must make people pay the expenses for those needs, or itself provide the budget through national resources. Whatever means are employed, education must be at the disposal of all members of society for its welfare. If

circumstances change and some volunteers shoulder the expenses of building and administering academic centers, a heavy burden will be removed from the .government's lot

Dual structure of functions of state

Certain responsibilities may be delegated to the people. But the government cannot delegate some important duties to the people; for example, the portfolio of defense and war with the enemy cannot be handled by unorganized individuals and groups. Policymaking, planning, budget allocation, and meeting the needs of this vital and fundamental issue must be entrusted to government alone. Of course, after assuming the responsibility of war and defense, planning, policymaking and facilitating ways, the government can permit people to voluntarily take part

in the war as popular mobilizing [basij] forces, and defend the Islamic country and .government

Therefore, there is no need for the government to assume all social responsibilities. In fact, people themselves can shoulder many responsibilities and voluntarily provide the pertinent budget. It is true that the government must play a pivotal role in order to have cohesion and avoid any discordance, make room for public participation and assumption of responsibilities, design overall and long-term programs. The main role .of some ministries is policymaking and the rest of the work is done by the people

For example, the main function of the Ministry of Trade is not to engage in trade, as, in principle, domestic and foreign trade must be carried out by people. Because of abuses committed by those affiliated with the monarchy during the previous regime, in high-level commercial transactions whose benefits the masses were deprived of, it is stipulated in the Constitution that trade and high-level commercial transactions will .be carried out by the government

In principle, business and commercial activities must be carried out by the people and not the government. It is known that the government is not a suitable trading agent.

Once it directly engages in commercial activities, it fails because in trade and industry, and in economic affairs in general, personal motivation and group competition play a very important role, and when properly guided, such motivation brings about progress, development and dynamism in trade and industry. Once trade becomes a state affair, motivation no

p: ۴۵

.longer exists. As a result, no progress is made

In totalitarian governments and centralized states such as the socialist and communist regimes in China, Cuba, the erstwhile Soviet Union, and countries of the former Eastern Bloc, the state directly assumes all activities, policymaking and planning, and in all economic, commercial, industrial, and agricultural activities people do not play any role as the state's executive agents. All affairs are entrusted to the state, and the people, i.e farmers and factory workers, work as public workers and wage-earners. Contrary to this, the Islamic government believes in principle that functions that can benefit by being entrusted to the people should be handed over to .them and their ownership and autonomy respected

Need for organizations dealing with low-income strata of society

As indicated, public centers must be established in society so that the low-income strata that cannot meet some of their needs can benefit from the facilities and services of those centers. For example, there is a need for special medical centers with free medication to serve those who cannot afford their medication expenses. As such, hospitals have been built for this purpose within the framework of social insurance law. In advanced countries such centers render extensive services to the people by exempting them from paying medical fees, and the state is obliged to .provide medical expenses for people through taxes or national resources

Once the taxation system is formulated for the procurement of a part of the state budget, including social and medical insurance, the people are obliged to pay their taxes

according to the low. In advanced countries complex methods are used through which no one can evade taxes. The tax-payers also enjoy the benefits and utilities of taxes, but the low-income and vulnerable strata benefit from the free services of social and medical insurance. But the question is: Is it better to entrust public welfare activities and building medical centers to the people so that patients can benefit from their services, or the state should compel people to pay taxes and itself engage in constructing medical centers so that the low-income strata can benefit from their ?services

Indisputably, the first option is better and more desirable. This option is preferred in the philosophy of Islamic laws. In Islam the people have been recommended to spend some of their earnings on public welfare works and let others benefit from them, for in this way, the value of charity will be preserved and the doers will attain self-perfection and otherworldly rewards, while the needs of society will be met. But if people are compelled to give a portion of their earnings, the value of volunteerism will .be lost and they will not earn any spiritual reward nor acquire perfection

The institution of pious endowments is an example of the voluntary work of charity by our benevolent Muslim people throughout history which has brought enormous benefits to our society. It can be said that there is no village in this country which has ,no pious endowment benefiting people. However, in recent years, unfortunately

this endowment has diminished and fewer people establish pious endowments, notwithstanding the value, nobility and sanctity of this pleasing-to-God work. In addition, we have many pious endowments which are either forgotten or not properly .managed

No doubt, if a pious endowment were revived and its status recognized again, many of the needs of the state would be met, and if many pious endowments were reestablished, a heavy burden would be removed from the state, and thereby, the

people would also receive more spiritual rewards. Once the people engage in charity work out of their own freewill and volition with more freedom and autonomy of action, .the more rewards they will receive

However, if people do not take any action and social needs are not sufficiently addressed, the state becomes duty-bound to compel people to pay their taxes through the enactment and implementation of compulsory laws, and satisfy social .needs

The Islamic paving of ground for public participation

Entrusting affairs to people and paving the ground for public participation in various social arenas, like meeting extensive social needs, is recognized as among the characteristics of civil society. Of course, “civil society” and many other terms that originated in the West have different meanings and are sometimes exploited. However, we consider those terms in accordance with concepts acceptable to us. For instance, different, and at times contradictory, conceptions and interpretations of .“civil society” have been presented

One of the meanings of “civil society” is that as much as possible, social works must be taken from the state and entrusted to the

p: ۴۸

people themselves. As much as possible, the people should voluntarily be ready to engage in social activities and only in times of necessity should the state interfere. Of course, in all countries overall policymaking in social affairs is undertaken by the state and practical programs and various phases of implementation are undertaken by the .people

Undoubtedly, the above conception of civil society is a fundamental Islamic principle in which Islamic society, and the City of the Prophet (s) [madinat ’un-nabi] has been anchored since the beginning. Initially, the Islamic government or state was not undertaking all social activities. It was the people who were undertaking most of the social activities but gradually, with the progress of society and the emergence of new

needs, the state of affairs became such that common people could no longer meet their needs and an organized institution like the government had to meet those .needs

For example, the need to illuminate a city before could be met by placing torches in the alleys and streets, and by doing so, the people could pass by at night. Naturally, the said need at such level could be met by people themselves. Nowadays, however, by using electricity to illuminate a city and its residential areas, the people alone cannot meet this need satisfactorily. So, the state has to provide the necessary .means to meet that need

Factors undermining public participation

Generally, two factors undermining public participation in meeting public needs can be mentioned. The first factor is the daily increase of needs and

p: ۴۹

the complexity and specialization of the process of meeting those needs. This condition practically deprives people of meeting those social needs and makes it the .government's responsibility to fill the existing vacuum

The second factor is the weakening of moral and religious values and the prevalence of profit-oriented Western culture among people which urges them to help themselves rather than others. Western culture is based upon profiteering, individualism and freedom from responsibility, which prevailed in the West after the Renaissance and gradually permeated Muslim countries and weakened the spiritual .and moral motives of Muslims

It dissuaded man from thinking for others and helping the needy and activated the sense of indifference towards fellowmen. This culture persuades a person to avoid accepting social responsibilities and only pursue his interests. This culture is diametrically opposed to Islamic culture which has been prevalent for centuries among our people, urging them to think about the interests of society and serve the .needy

Heedlessness to Islamic traditions and values and penetration of Western culture in recent years has hindered the thriving of the noble tradition of pious endowment [waqf] and the number of endowed buildings and lands has tremendously decreased compared to the past. Also, other voluntary public welfare works have diminished and the spirit of civility which existed in Islamic society has weakened. As a result, the government's obligation has multiplied and its burden has become heavier. If by the blessing of the Islamic Revolution, Islamic and human values are revived and people pay

p: ۵۰

heed to their spiritual, moral and religious responsibilities by engaging in charitable work, the government's burden of responsibility will decrease and it could entrust some of its responsibilities to the people. This state of affairs, in a sense, will be a return to Islamic civil society.

Status of civil society in Islam

I would like to emphasize that civil society in this sense is rooted in Islam and the apostolic invitation of the Prophets ('a), but having drifted away from Islam, we have drifted away from it. Now, with the blessing of Islam, we need to return to it. The West is not supposed to guide and direct us towards the establishment of civil society. It is actually we who are supposed to hold them under obligation, for during the apex of Islamic civilization most of the Western societies were quasi-barbarians. Islamic culture and civilization gradually civilized them and they acquired the civil society from Islam. Today they claim to be exporting the salient features of Western culture to our country and civilizing us!

Thus, the ideal civil society is rooted in Islam and Islamic civilization, and by returning to Islam this civil society will materialize. Yet, "civil society" has also other meanings which are unacceptable to us. Nowadays, in the West "civil society" is used in opposition to "religious society" and it refers to a society in which religion does not rule and has no role whatsoever in social organizations and activities. In such an irreligious civil society—which is extensively promoted

today—all members of society have equal opportunity to occupy all government and .public posts

If they say that Iranian society must be transformed into a civil society, it implies that a Jew could also become the president of Iran because all human beings are equal in humanity and we have no first or second class human beings. Under the rubric of "civil society" they are striving for the official recognition of an atheistic and deviant sect affiliated with Zionism. Under the pretext that all human beings are equal, they want members of notorious groups inclined towards America and Zionism to also have the .chance to occupy important positions, such as the presidency

If we claim that to some extent distinction among citizens is present and accepted, this is because in occupying certain political posts, some qualifications have been laid :down in the Constitution, and God also says, thus

(وَلَن يَجْعَلَ اللّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلاً)

"And Allah will never provide the faithless any way [to prevail] over the faithful."(۱)

Such a view is not inconsistent with civil society. According to Islam, "civil society" in which disbelievers and Muslims have equal rights and opportunities to occupy political posts is not acceptable. We openly announce that Islam does not allow disbelievers to prevail over Muslims in Islamic society. Neither does it allow a Zionist-affiliated atheistic sect and party to obtain official recognition. It makes no difference whether they label this difference in rights and qualifications as "discrimination in citizenship" .or any other

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۱- Surah an-Nisa' ۴:۱۴۱.

New ways of opposing Islamic criteria for selection

Today, those who are associated with the Global Arrogance inside the country are striving to promote Western liberalism and democracy by raising the slogan of equality among men and citizens. They want to inculcate the belief that there is no difference between human beings as they enjoy equal rights, and their views must receive equal attention while codifying laws of the country. Of course, human beings do not belong to different classes according to Islam. In this regard, God says:

(يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُم مِن ذَكَرٍ وَأُنثَى وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِندَ اللَّهِ أَتْقَاكُمْ...)

"O mankind! Indeed We created you from a male and a female, and made you nations and tribes that you may identify with one another. Indeed the noblest of you in the sight of Allah is the most God-wary among you..."(۱)

In the above verse, human beings have been declared equal in their intrinsic and essential qualities, and thus, difference or classification among them is inconceivable. However, the latter part of the verse points to the contingent ['aradhi] differences.

That is, some valuably acquired characteristics and attributes make some of them superior to others. As such, the God-wary people have a sublime station in the sight of God, and it cannot be said that all human beings are equal before God. Similarly, in view of differences between individuals due to possession of merits and qualifications, they differ in capability and cannot hold any post that requires specific qualifications. For example, in

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۱- Surah al-Hujurat ۴۹:۱۳.

all parts of the world an illiterate person can not be President. Can it be said that considering the condition of literacy for the assumption of the presidential post is contrary to the equality of men? Does it mean that human beings have two classes the literate and illiterate?

In all parts of the world special conditions are taken into account for key positions

such as the Presidency. The Islamic nature of our political system has also laid down certain conditions. The President must have sufficient literacy and education, be a devoted supporter of Islam and not be associated with an enemy of Islam. These are in accordance with Islamic principles. So, if the condition of being Muslim is stipulated for becoming a Majlis deputy or occupying other posts, this does not mean discrimination of human beings according to classes. In Islamic society, commensurate to the rights and obligations that Muslims have in lieu of the khums and zakat they pay, distinct rights and obligations are considered for followers of other religions. This does not signify a discrimination of human beings according to classes, though it can be said that those differences are related to classes of .citizenship

To claim that the position of the Supreme Leader, Presidency or other key and strategic posts can be held by those opposed to Islam and the Islamic system and who do not accept the Constitution, is equivalent to entrusting Islam to its enemies! ,Such a thing is neither rational nor possible, and if

God forbid, some would like to do so, Islam will not allow them because God has not given the faithless dominion over the Muslims and does not accept such domination over Muslims. This is our belief and we do not care if they accuse us of classifying .citizens

Need to preserve Islamic values and principles and counter enemy plots

Equality in humanity does not necessarily mean equality in rights. It is true that human beings are all equal in humanity but they are not so in human virtues. In Islamic society, therefore, many posts and positions must be entrusted to people who have the necessary merits and qualifications. As such, the Leader must be a faqih so that he can supervise the implementation of Islamic laws, for he can not successfully supervise if he is not familiar with Islam. Also, the President must be a Muslim. A Jew .or a Christian cannot rule over a population of ۹۰٪ Muslims

We should not worry if newspapers and pens in the hands of those who are affiliated with the Global Arrogance accuse us of believing in second class citizens. Nothing more than this can be expected from them; they even deny the essentials of Islam. Through the Islamic system, we must strive to present Islam as it is to the world and .not as its enemies project it

If we say or write something which pleases the American hegemonic power newspapers and mass media and makes them applaud us, we should not be glad. In fact, we should be anxious and worried. It is

known that when it was said to Aristotle, "So-and-so applauded you," he started crying. When he was asked why he was crying, he said: "I do not know what foolish act I have done that has pleased that ignorant person!" If we do something for the benefit of our enemies and present Islam in a manner that is pleasant to them, we have served the enemies and not Islam! We have to defend the Islam which has been introduced by the Prophet (s) and the Ahl al-Bayt ('a) to us, and not the "Islam" which .the enemies dictate to us

We cannot consider Muslims and non-Muslims as equal in holding key national posts. How can Islam allow us to officially recognize a religion which is affiliated with ?"International Zionism, for the sake of "civil society

Session ۲۷: A Perspective on the Distinctive Structure of the Islamic State

Fundamental difference between government in Islamic and secular systems

The special function and duty of government is to meet the needs of society and .implement laws

On legislation, we said that in terms of function and extent, laws in Islamic society are different from secular societies. In secular societies laws are ratified and implemented with the purpose of meeting only the material and worldly needs of people. It is even stipulated in some political systems that the government must not

support any religion and no sign of advocacy and profession of religion be seen in .government institutions or public activities

In the Islamic system, however, law is meant to ensure not only material interests but spiritual interests—nay, it gives priority to spiritual interests. This point

is also raised in relation to executive power. In the Islamic system, the government must ensure implementation of laws which are related to people's lives as well as to .their spiritual and otherworldly affairs

For this reason, in the discussion about legislation we said that it is necessary for Islamic laws to ensure spiritual interests; rather, to give priority to them. It is the duty of the Islamic state to also engage in implementing laws related to spiritual interests, divine rights and Islamic rites, and prevent violations and affront to Islamic sanctities. .This issue is among the most important duties of the Islamic state

Presentation of a secular state model by those enamored by Western culture

It is often observed in some periodicals and speeches that apart from meeting the material needs of people, maintaining the country's security and preventing chaos and disorder, the state has no other duty, and addressing spiritual interests and religious affairs is within the realm of responsibilities of the 'ulama' and Islamic seminaries! This outlook is a reflection of the influence of Western culture and secular thought. As stated earlier, among the prominent manifestations of Western culture is .secularism, which separates religion from politics

In laic and non-religious governments worldly activities and affairs are related to politics and statesmen, and spiritual affairs intentionally not related to the state. If certain people want to engage in spiritual and religious affairs, they have to spend their own personal time and facilities for that purpose, and government facilities can not be used because the state has no obligation

with respect to the religious needs of people. On the contrary, in Islamic culture the most important duty of the Islamic state is to protect Islam, promote Islamic rites in society, avoid their being forgotten, and prevent insolence and affront, God forbid, to .Islamic sanctities and rites

Advancing the notion that "The state should not interfere in religious affairs" by those who do not accept Islamic culture and follow Western culture is not unexpected. Our difference with them is a fundamental one, the bone of contention being whether Islam is the truth or not. This statement is not that of a Muslim who believes in Islamic .fundamentals, but someone who does not understand Islamic culture properly

State's mission to preserve and promote Islamic mottos

In addition to responsibilities commonly assumed by secular and religious states, the Islamic state is duty-bound to implement Islamic rites. Of course, people can voluntarily engage in some Islamic rites such as observance of congregational prayers, holding of celebrations and mourning ceremonies, administering religious schools, and building national religious centers in charge of holding Islamic rites. Among these centers the Islamic seminaries, as among the most important religious institutions, engage in the preservation, protection and promotion of Islamic rites and culture by spending religious funds paid by the people and without receiving any .budget from the state

But people's involvement does not mean robbing the state of its obligation, and it is not true that the state does not have any responsibility in these matters. In fact, if

p: ۵۸

the voluntary acts of people are not enough, the state must take necessary steps. For example, Hajj /pilgrimage is a devotional act and must be performed as an obligation .['by any physically, mentally and financially capable Muslim [mustati

The fuqaha, by citing traditions [ahadith], in their books on jurisprudence, have written that if the situation is such that in a Muslim society and country Hajj does not become obligatory on anyone because no one can afford the traveling expenses; or

those who are physically, mentally and financially capable, on whom Hajj is obligatory, do not voluntarily go to perform it and the House of Allah is devoid of any pilgrim, it becomes obligatory upon the Muslim states to dispatch a group of pilgrims by spending from the public treasury, so that the performance of Islamic rites which .preserve the interests of all Muslims should not be suspended

Thus, it is true that Hajj is a devotional affair and cannot be directly considered a political and mundane affair and people are obliged to perform it and spend their personal money on it, but if people refuse to perform it or cannot afford to do so, the Islamic state is obliged to provide facilities and grounds for the performance of this divine obligation with the aim of preserving Islamic rites and ensuring implementation .of laws

Therefore, the fundamental and basic difference between the Islamic and secular states is that the Islamic state, before anything else, must be concerned with the performance of religious rites

p: ۵۹

and implementation of social laws and ordinances, and give priority to them. Of course, in practice there is usually no contradiction between spiritual and material .affairs, but should there be any contradiction, spiritual affairs must be given priority

Thus, the Islamic state's foremost obligations are the performance of Islamic rites, preservation of Islamic laws and culture, prevention of any action that weakens .Islamic culture and propagates atheistic rites in society

Methods employed by the state to fulfill its responsibilities

As said earlier, the state must take charge of meeting the needs of society related to war and defense. The burden of planning, policymaking and implementation of such matters is shouldered by the state. But in addition to duties which must be performed only by the state, the Islamic state has to play a role also in meeting some needs of :society, and this is done in two ways

the state takes charge of only planning, policymaking and supervision of (١) implementation, and does not intervene in the implementation directly

in addition to planning, policymaking and supervision, it also engages in (٢) .implementation

To elaborate further, let me say that in order to implement and materialize a social project, first of all, the purpose of the project must be explained and thus general policies and basic courses of action be drawn accordingly. Then, for implementation of those policies detailed and minute planning must be done. A project must have a specific timetable, its beginning and completion must be specified and its budget .provided

p:۶۰

Next, the group that is supposed to implement the project must be organized. It must be specified how a given project is to be completed, the hierarchy of implementers .and workers provided and their statuses and functions determined

Consider for example the Imam Khomeini (r) International Airport Project. Initially, there was a debate about the necessity or otherwise of implementing the said project, related to the overall planning and development in the country. After accepting the necessity of the project, its implementation was planned and its scope, facilities, amenities, plan and design was specified. Then, the qualifications of the contractor and implementer of the project, its timetable and budget was determined, and finally, tenders were called for so that it could be awarded to the lowest bidding .contractor

In such cases, the government, after policymaking and planning, also takes charge of implementing the project and commissions a government ministry to implement it and allocates a budget, utilizes facilities, manpower and government services; or after expressing commitment to implement the project it allocates a budget for it and employs a company to implement it. In both cases, the government has committed to implement the project. Yet, it is possible that after policymaking and planning, the

government will only supervise the implementation of the project. That is, the government will send inspectors to supervise the process so as to prevent violation of laws and rules, improper implementation of design and misappropriation of public funds to ensure that the project is implemented

.according to the original policy and within the framework of national interests

Model of totalitarian and liberal states

With respect to social issues, duties and needs such as those pertaining to war, training and education, health, medical treatment, hygiene and cleanliness of the environment, which in principle are duties of the government, a question is raised: Is policymaking and maximum supervision the only duty of the government? Or, apart from policymaking and supervision, must the government also take charge of implementation? Which one is correct according to the Islamic perspective? Should administration and budget allocation of elementary and secondary schools and ?universities be delegated to the government

Or, is it that some of them should be delegated to the government and others to the people? For example, in many countries including ours, elementary education is compulsory and the expenses for it are shouldered by the government, but the tertiary level of education is not shouldered by the government and it is not duty-bound to admit a student without receiving a fee. As such, in some countries higher .education services are not offered in gratis to the people

In some political regimes and administrative systems, social activities are undertaken by the state to prevent the oppressive actions of capitalists and those who endanger the interests of society to advance individual interests and personal goals. The emergence of this collectivist thought and the formation of socialist and communist countries was a reaction to the cruelty committed in capitalist countries against the

.masses

In Western counties the capitalists committed oppression and tyranny against the deprived and downtrodden to such an extent that this extremist tendency emerged, propounding that all activities must be entrusted to the state which would distribute public benefits and earnings equally among people so that all of them could equally enjoy them. Eradication of oppression of people was the bedrock of socialist thought in the realm of social, political and economic issues which considerably flourished in past decades. in powerful countries like the former Soviet Union, China and their satellites states. Since then, they have been recognized as the archrivals of the .capitalist bloc

This reaction and its slogans gained currency in our country as well and supporters rallied behind it. As a result, in past decades socialist and communist parties were formed in our country but collapsed with the rise of the Islamic Revolution. Historical experience showed that the state's absolute takeover in economic, political and social domains was an incorrect and ineffective way and led to the disintegration and collapse of the communist countries, especially our great northern neighbor (the former Soviet Union). We all witnessed how communist thought destroyed the economic, social and political foundations of a powerful country like the ex-Soviet .Union and led to the dismemberment and downfall of that great empire

At the opposite end of the communist-socialist thought is liberal-capitalist thought which maintains that all affairs are delegated to the people and they are free to do whatever they like. The state interferes

p: ۶۳

in the realms of social life only to the extent necessary and that is to prevent chaos and maintain security. Naturally, in the liberal system in which individuals enjoy much freedom in social, political and economic spheres, those who have more resources, .means and capabilities acquire more capital and gain in all spheres

In the economic sphere in particular, they are ahead of others in the so-called

competitive market. As a result, with the expansion of profitable economic activities, they gain enormous capital. The deprived and weak members of society become poorer and more deprived day by day. This wide economic-class gap, taking possession of national and public capital by a small class in society and the spread of poverty and deprivation in other strata of society, led to mounting public protests, revolt and insurrection against politicians, their expulsion from the political scene and the formation of the communist system—a scenario which seemed to have more advantages for the deprived class. In order to avoid and prevent revolution and public uprising in liberal countries, amenities were provided to the poor and low-income .earners

In many European countries which are adopting the liberal system, socialist parties are active and even some governments are controlled by socialist or social democratic parties. For example, the Labor Party which sometimes succeeds in garnering the majority vote in forming the cabinet in Britain has socialist inclinations. This inclination, preference and provision of facilities for the deprived classes of society are meant to dissuade them from rising

p: ۶۴

up against politicians, because once there is relative welfare for all strata of society, the deprived classes have no more reason to revolt. Among the amenities considered for the general public are insurance for the unemployed and retired, health insurance and construction of many small houses of low rental value intended for the deprived .classes by the city mayor's office

Thus, in political philosophy there are two dominant and diametrically opposed theories about state. The first theory is socialism which pays more attention to society and gives preference to collective interests over individual interests. By putting this theory into practice, the state's interference and control increases in the realms of social life to prevent misappropriation of public funds and oppression against the deprived and downtrodden. Opposing socialism is liberalism. Based on their reasons, the proponents of this theory believe that the state should have minimum

interference in the affairs of society. The maximum or minimal extent of interference by the state related to the abovementioned theories can be observed in speeches, .articles, newspapers, and books

Western and European governments are liberal governments. They have delegated government institutions to private companies. For example, the Post and Telegraph Department is not government controlled but rather privately undertaken by companies who control the selling, transport and transfer of telephone lines, and provide different services in various cities. The role of the state is confined to planning and supervising private companies. Similarly, providing water and electricity and other public needs of citizens has been entrusted

p: ۶۵

to the private sector. In our country most of the above are undertaken by the .government

Islam's idealistic and realistic perspective on state

The question that one may ask is: Which of the two ways is considered more appropriate in the Islamic system? Which is better, to maximize the state's interference and assumption of control, or to minimize the state's interference and delegate affairs to the people? As we have said in the previous session, in reality the promotion of massive public participation in various arenas is one of the meanings of civil society according to which social activities must be delegated as much as possible .to the people

Islam has a moderate perspective on the state which is an amalgamation of idealism and realism. Many of the theories and views presented in class sessions, both at the university and seminary are fascinating, but in spite of being ideal and desirable cannot be translated into action in the practical world. For example, one supposition is that if the moral growth of people reaches a level where all of them observe laws there would be no need for controlling and deterring agents. It is a very attractive .supposition but that level will never be reached

On the other hand, because there will always be transgression in society, it is not justifiable to say that maximum harshness is desirable so that no one dares to violate laws. In Marxist and fascist countries under martial law, government orders are strictly implemented and the police and disciplinary agents are so harsh in

dealing with violators that no one dares to violate laws. An example of those countries was our western neighbor (Iraq under the Ba'athist regime) which imposed an unsolicited war on us for eight years. A powerful police force which deals harshly with any violation and protest is ruling. A person who commits a minor violation is gunned down or executed without any trial or investigation.

When the deprived and poor members of society see that bribery and overcharging are rampant and subject them to unendurable pressure and difficulty, they wish that these profiteers are dealt with severely and some of them executed so that no one would dare to practice bribery and overcharging anymore! In socialist countries, more or less, such wishes are realized, but it must be seen what Islam says about severity to violators and criminals.

Based on what we can infer from the Qur'anic verses and traditions, Islam has considered a moderate and balanced approach for the Islamic state.

In the penal laws of Islam, severe punishments have been considered for some crimes, violations and licentious acts. On the other hand, however, it has also set certain conditions and limitations for proving and establishing these crimes so that in practice only a few cases can be proved. Consequently, those laws and heavy punishments can be implemented only in very rare cases—for example, one or two cases every year. For instance, the Qur'an thus says regarding the punishment for theft:

(وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُواْ أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا...)

"As for the

thief, man and woman, cut off their hands as a requital for what they have earned."(۱)

And regarding the punishments for those who committed licentious acts, it says:

(الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِئَةَ جَلْدَةٍ وَلاَ تَأْخُذْكُم بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ)

"As for the fornicatress and the fornicator, strike each of them a hundred lashes, and let not pity for them overcome you in Allah's law, if you believe in Allah and the Last Day, and let their punishment be witnessed by a group of the faithful."(۲)

Yet, on the other hand, Islam has set very difficult conditions to prove and establish the crime of fornication [zina], stipulating that such a decree shall be executed provided that four just witnesses who personally witnessed the act of fornication give testimony in a court of law. In case less than four witnesses be present in court, not only will the crime not be proved but the complainant will be lashed for calumny.

Islam neither obliges the state to meet all needs of society including unnecessary luxuries nor totally forbids it from interfering in social activities. Instead, the magnitude of the state's interference is in accordance with the changing circumstances which necessitate interference by the state.

Sometimes the situation is such that civil society must be formed based upon the first Muslim community established by the Prophet (s) in Medina in which the guiding principle was that whatever can be done or assumed by the

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۱- Surah al-Ma'idah ۵:۳۸.

۲- Surah an-Nur ۲۴:۲.

people must be delegated to them. They must assume the responsibility of meeting the primary needs such as training and education, electricity, water and the sewage

system, and not allow certain profiteers and opportunists to take advantage and encroach upon the rights of the underprivileged and deprive them of their basic needs. In such a case, the state must enter the realm of social activities to counter the devious plans of profiteering capitalists. For example, if a private telecommunications company offers expensive services to people, the state has to offer cheaper services .or delegate to itself all telecommunications services

Defects of a state's centralized system

A state's centralized system or delegation of the main social activities to the state is improper and inefficient for many reasons. For example, if a state wants to meet all the needs of society, it must create government organizations having a considerable percentage of its employees—say, ۲۰ percent—coming from the people. This approach has three fundamental defects. The first defect is that the expansion of the government sector will entail a huge budget which will cause further problems for .society

The second and more serious defect is that once an organization of such magnitude is created, irregularities within it are greater and ample grounds for violation and abuse within it are provided. For instance, if the state wants to prevent fleecing, it has to assign elite inspectors to report fleecing cases by conducting surprised inspection of shops. Now, if the government assigns an inspector for every shop, you can imagine how large a

.work force will be required

Besides, some of these inspectors will violate the law by getting bribes from some shopkeepers so as not to report their fleecing. As a result, a separate department to investigate the performance of inspectors will have to be created. For whatever reason, experience has shown that such schemes are not practically successful as .they do not bring any good result. In fact, they cause further violations and bribes

The third defect of a centralized system which is notably serious according to Islam is,

compelling human beings to mold themselves and do good deeds not through coercion and pressure. Man’s action is valuable only if it stems from his own free choice and will, but once compulsion and force prompt man to act, the spiritual and sublime effect considered by Islam ceases to penetrate the soul of man and the ultimate goal is lost.

Session ۲۸: Observance of Values and Legitimate Freedom in an Islamic State

A glance at the state’s raison d’être

We discussed the need of executive power in order to find out its characteristics, duties, and conditions to be met while discharging its duties. As we have said, one of the elements of the state or executive power’s raison d’être is to guarantee implementation of laws. In the Islamic system laws are directly taken from the sacred code [shari‘ah] or enacted by those who have been authorized by the Sacred Lawgiver. These laws must also be implemented. In the first degree, people themselves have to directly implement the laws, preserve each other’s rights and perform their respective duties. In the collective

scene, family sphere and realm of international relations, they have to behave within the framework of Islamic laws.

The performance of duties and observance of social regulations requires strong motivation. Common people primarily think about their personal interests and pay less attention to social interests especially if they cause a loss to them. Only those who acquire profound and noble training and education give priority to public interests over personal interests. As such, the reason behind most of the violations taking place in the realm of social responsibilities is a lack of motivation for social responsibilities. So, an individual or group of individuals needs to take charge of ensuring implementation of laws by persuading people to observe the law and punish them in case of any violation.

So, the existence of executive power which implements law by using force is

necessary. Initially laws are made for the administration of its affairs. For example, punishments for aggression and encroachment upon the properties of others are determined. Then, if someone violates the law by encroaching upon another's .property, the executive power punishes him

In some cases, an ambiguity creates tension between two groups or individuals and a dispute arises between them. It is even possible that none of the parties intends to violate the law but because of their ignorance of what is right, they do not know their own duty and status. In such cases, the judiciary expounds the cases according to the law and determines the rights of both parties and announces

its verdict. If the conflicting parties are not satisfied and do not want to abide by the verdict, it is forcefully implemented by the executive. A legal official will also be necessarily involved and be part and parcel of executive power. According to the categorization of many political philosophies, however, judicial power is a separate .branch of government distinct from executive and legislative powers

Under this categorization, the special function of legislative power or legislature, is the ratification of laws, determining rights of individuals and specifying the type of punishment for every violation. For example, according to a certain law ratified by the same legislative power, it is clear whether a certain transaction is valid or not. If there is doubt whether a certain transaction is according to the relevant statutory law or not; whether it is valid or not; or there is a dispute between two parties; it has to be referred to a court of law because, as an integral part of judicial power, the court's .function is to examine the conformity of statutory laws to actual cases

If the announcement of the judge's decision says that Mr. "A" has to give a certain amount of money to Mr. "B" and the two parties accept the judge's verdict and abide by the law peacefully and willfully, the case will be closed; otherwise, the executive power interferes and uses the police force under its command to get the required .amount and give it to its rightful owner

Although one of the

p: ۷۲

main functions of executive power is to guarantee implementation of laws and social decrees, it must be borne in mind that the implementation of laws is not a monopoly of executive power. Others are also expected to implement laws. Similarly, the function of executive power is not only to implement laws, but also engage in making laws in some cases. It is impossible to separate legislation from execution of laws, and .their interrelation is more or less accepted by all forms of government

It is true that the main function of the government or executive power is implementation of laws but in some cases it also engages in making laws and formulating rules and regulations. On the other hand, legislative power also engages in executive work and certain executive works have to be ratified by parliament; for example, signing of contracts with other states and foreign companies on the exploitation of natural resources such as oil and others. It is true that signing a contract is an executive function but without the ratification of parliament, it will never .become binding

So, it is not true that there is a redline separating the three powers from one another and one can not interfere in the others' business, i.e. neither the government issue any executive order nor parliament interfere in executive affairs. Still, each of the .three powers has its own special function

However, the Islamic system is different from others with respect to the issue of legislation. In the laic

p: ۷۳

systems, the basis and pivot of law is material collective interests of people and in addition to their ratification, the execution of laws is also based on those interests. In Islam, however, the material and worldly interests of people must be taken into account in legislation but not at the expense of neglecting their spiritual and

otherworldly interests. In fact, in the codification of laws spiritual interests take .precedence over material interests

This is the essential and fundamental point that distinguishes the Islamic system from the materialistic, laic and secular systems. Naturally, in such a system, the burden of responsibility of the executive is heavier than that of other systems. That is, apart from urging the people to observe social rights and not oppress each other and prevent chaos and disorder, the executive must also observe Islamic values and .implement them

First principle of human conduct

An important feature of man is the power of will and choice that makes him distinct from animals and angels. Animals are motivated by their instincts and there is no room for choice and selection in them. The level of choice that sometimes exists in them stems from their instincts and they have no rational choice that emanates from intelligence and thinking. An animal which is trained to behave in a certain way and perform a certain action by the order of its trainer does so because there is a certain .amount of choice within the limits of instinctive actions

Angels, however, have celestial and heavenly attributes and they have no

inclination or desire to do evil and deviate from truth. They are among the most holy and nearest ones to God and have exalted, pure and spotless stations, but they have no choice. In reality, their nature is based upon unconditional worship, obedience and submission to God. Man—this vicegerent of God [khalifatullah] and carrier of the divine trust—is a being that possesses the power of choice. There are always two ways in front of him and he has two masters and two sources of attraction, one leads toward God and the other toward Satan. He must have the power to choose and select one of these two ways. Once he is deprived of the power to choose and is .coercively drawn to a certain way, it means that he is deprived of his humanity

Therefore, the guiding principle with respect to man's training—whether in individual

and family issues or social and international issues—is to pave the ground for choice and selection so that he selects the right path by his own choice and freewill, and not by imposition. Sometimes, however, social interests require that pressure must be exerted on man. In reality, the existence of executive power and naked force is based upon secondary, and not primary, interests.

To say that there must be executive power to implement laws and even compel violators to abide by them, in some cases, is contrary to the primary principle. The primary principle is that law must be at the disposal of people who

act upon it willfully and volitionally, and no one violates it. No one cheats another, receives bribery, steals, and violates the lives and properties of people. Yet, violation of law is also committed in society and the existence of brute force to prevent any violation of law becomes necessary; otherwise, corruption will engulf the world and there will be no chance of improvement for those who want to choose the right path.

In order to keep the door of correct choice open for the majority of people in society, violators of law must be checked and punished whenever necessary, and thus, give others a chance to improve and evolve. If this is not done, some bullies will threaten the interests of entire society by using physical strength, intellectual power, or satanic ruses, and this will negatively affect the divine purpose in the creation of man.

It is true that in an atmosphere of freedom and liberty, man himself has to choose the right way, but this freedom is not unlimited. Individuals should not be given so much freedom that others' freedom of choice is closed—in the words of the Qur'an, to hinder others from treading the way of God.(۱)

Thus, violators must be dealt with so as to remove the hindrances along the way of God. It must be borne in mind, however, that the prevention of violations and use of brute force in implementing law have certain conditions and limitations and must be carried out with precision. In the same cases

۱- “Those who are [themselves] faithless and bar [others] from the way of Allah—He has made their works go awry” (Surah Muhammad ۴۷:۱). (الَّذِينَ كَفَرُوا وَصَدُّوا عَن سَبِيلِ اللَّهِ أَضَلَّ أَعْمَالَهُمْ)

in which Islam resorts to the use of force in order to secure social interests, it exerts utmost meticulousness and tries to keep the door of return (repentance) open for violators, except in so heavy a crime or offense that it is necessary to put an end to the life of the criminal so as to preserve collective interests and prevent the spread of corruption.

Islam's instructive approach in enacting penal and criminal laws

Islam has enacted capital punishments for certain crimes, but in order to establish and prove them, it has also laid down difficult conditions, thus making it very problematic to prove those crimes. In dealing with the philosophy of divine laws, the considered wisdom behind punishments and penalties is the lesson taken from it which acts as a deterrent and thus prevents the spread of crimes and offenses. In order to reach this goal, there must be penalty commensurate to the crime and for heinous crimes capital punishment must be taken into account.

For example, if a light punishment—an insignificant fine or short-period detention—is taken into account for a criminal act like robbery, robbery in society will not stop and the hidden wisdom behind divine punishments and penalties will not be realized.

On the other hand, if it is easy to prove a crime and individuals can easily be punished, execution of punishments and penalties will spread in society because many deserve punishments, and thus the honor and reputation of many families will be tarnished. It is for this reason that Islam has made it difficult to prove

a crime. For example, in case of the abominable act of fornication, Islam has considered heavy punishment and even ordered that the fornicators, man and

woman, must be punished in public, and social considerations and human feelings .must not cast a shadow on the implementation of the divine punishment

In order to prevent moral corruption in society and family the punishment for fornication must be given in public and one must not shirk executing the punishment under the pretext of a Muslim's reputation. On the other hand, however, Islam has set difficult conditions for proving such a crime. As a result, very few cases of the crime .are actually proven and only a few among the fornicators are punished

In proving that crime Islamic law has stipulated that four just witnesses must testify that they have personally seen the performance of the immoral act. If only three will testify, even if they are the most just and famous of people in society, not only will the crime not be proven and the accused be exonerated, but the judge will order the punishment of the three and penalty for calumny and false accusation against others .will be exerted on them

The existence of such meticulousness and strictness in the implementation of all laws of Islam, the penal codes in particular, shows that Islam pursues the realization of its lofty goals and aspirations, observes sublime values, but insists on ground realities and is not contented with mere idealism. In fact, the method of

Islam in administering society is between idealism and realism and contains elements of both. Islam considers it necessary to observe lofty values and does not allow them to be tarnished in society just as done in non-religious and non-Islamic societies that .have brought about widespread corruption and ample ignominy

With the aim of keeping Islamic society free from this corruption and pollution, Islam has stipulated capital punishment for corruptors. On the other hand, however, Islam is realistic and accepts the fact that some people engage in corruption and violation of law for more than one reason. As such, it has laid down difficult conditions for proving .a crime

The purpose is the implementation of law by its guarantor using force and compulsion in case of violation, while observing that the action of man is conscious and done out of freewill and choice. On the other hand, the collective interests must be observed and one should not allow individuals to threaten the interests of society by misusing .unlimited and unrestrained freedom

The state's fixed and alterable duties

Once we take a look at the laws we will find that some pertain to people who are obliged to abide by them, and the role of state in this context is to monitor their activities and present practical policies that invite them to respect law and confront violators. Others pertain to the state which is bound to implement them. These are related to needs of citizens, important economic activities, investment, and services which cannot be rendered by people

and even if they are capable, there will be few volunteers to do so, and without them public interests will not be served. Thus, there is need for an organized, cohesive and systematic organization called "government" to render services such as defending the territorial integrity of a country against foreign invasions; administering war and procuring necessary military equipment and armaments; undertaking vaccination programs against contagious and epidemic diseases like polio, which can only be undertaken nationwide and at its opportune time with the government's management and facilities; maintaining public health and providing medical services and facilities for all citizens; and effectively campaigning against the trafficking, distribution and use of ominous narcotics and drugs and punishing the merchants of .(death (drug traders

It is true that by enjoining what is good, forbidding what is bad, not consuming narcotics, and preventing its distribution, people can play a role to a certain extent, but it is beyond their capability to launch an extensive and grand campaign against the ominous phenomenon and their limited facilities are insufficient for this campaign. The same is true in the case of moral corruption which has become rampant. Only the

.state or government is capable of combating them

Some laws are concerned with needs that can be met by both government and people, but changing circumstances of time and space as well as social development create different ways of meeting them. Some social activities can be undertaken by people themselves in a simple form and to a limited extent

p: ٨٠

at a given period of time, but with the emergence of new conditions and social development, they become complex and people can no longer undertake them. It is at this juncture that the state has to interfere and undertake the social activities that become complex. For example, rearing, training and educating children is the duty of all parents or citizens who must strive hard in this connection, but today the situation is such that if there was no strong "Ministry of Training and Education" in the country and laws related to compulsory education were not implemented, the percentage of .literacy in our country would fall

Similarly, in the light of new developments and conditions, issues such as public hygiene of cities and their lighting facilities are assigned to the government. In the past, they were not part of government duties. Some of them like radio and television were never an issue to be assigned to the government. With the emergence of social transformations new duties are assigned to the government—duties which if the government will not discharge will damage social advancement, and as a result, Islamic society will lag behind in the fields of science, technology and industry. Once training and education is weakened, the spiritual dimension of people will also be weakened because spiritual perfection is possible through knowledge and learning, .and a society deprived of knowledge is also deprived of spirituality

In view of what we have said, one can reexamine the status, fixed structure and .elements of state

p: ٨١

The elements and constituents of state in the absence of which the state will cease to :exist are the following

Guaranteeing the implementation of civil and legal laws in society such that in case .١ of violation, they are imposed upon the people by use of force and violators are .punished

Securing permanent interests of society under all circumstances which remain .٢ unchanged by change in social conditions, and can be secured only by the state. For example, establishment of peace and order in society is the responsibility of government. Whether small or big, the government of a country must assume this .important responsibility

But the alterable interests and duties which are not assumed by the government in all situations, and which the people can also assume, and which are assumed by the government with the emergence of new conditions, cannot be considered part of the .constitutive elements of state

Difference in manner of implementing laws between Islamic and other states

After stating the station of the state and its responsibilities, it is appropriate to mention briefly the difference between the Islamic state and other states. In general, the Islamic state is different from secular states in the realm of laws. The realm of laws is broader in the Islamic state than in other political systems for they also ensure spiritual interests. They also differ with one another in the manner of implementing laws. In playing their roles and discharging their duties, all states are in need of financial resources which are partly procured through taxes collected from the .people

With the permission of

wali al-faqih, the Islamic state may also approve and implement a law authorizing collection of taxes from people. The difference between the Islamic state and other

states in the implementation of laws that ask for a certain amount of money from the people is that in implementing these laws Islam has taken into account the philosophy .behind the creation of man

In other words, Islam maintains that the actions of man must be done out of his own freewill to contribute to his spiritual growth and advancement. In tax collection the state may possibly resort to the use of force and collect taxes from the people. Of course, in order to minimize the pressure of imposed taxation upon people and avoid their protest, diverse approaches have been adopted in advanced countries of the world through which the people's sensitivities and complaints are mitigated. One of these approaches is that taxes are to be levied for public needs and primary goods which the people buy on a daily basis. In addition to the original cost of an item which must be given to the seller, a certain amount of tax must also be paid to add to the .government's budget

Naturally, by paying taxes in the manner mentioned above, no one gets any profit or gain, but even here Islam wants the people to grow spiritually. For this reason, in some cases Islam has not compelled the people to pay taxes and does not dispatch any collector to collect khums(۱) which is one

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Khums: literally means one-fifth. According to the Shi'ah school of jurisprudence - ۱ [fiqh], this one-fifth tax is obligatorily levied on every adult Muslim who is financially secure and has surplus in his income out of annual savings, net commercial profits, and all movable and immovable properties which are not commensurable with the needs and social standing of the person. Khums is divided into two equal parts: the Share of the Imam [sahm al-Imam] and the Share of the Sayyids/Sadat (descendants of the Prophet) [sahm as-Sadat]. Accordingly, the Share of the Imam is to be paid to the living Imam, and in the period of occultation [asr al-ghaybah], to the most learned living mujtahid who is the giver's marja' at-taqlid [source of emulation]. The other half of the khums, the Share of the Sayyids/Sadat, is to be given to needy pious Sayyids who lack the resources for one's year respectable living in consonance with their

various statuses. For more information, see Sayyid Muhammad Rizvi, Khums: An Islamic Tax (Toronto: Islamic Education and Information Center, ۱۹۹۲), http://www.al-islam.org/beliefs/practices/khums.html [۱۱]. [Trans.]

of the Islamic taxes.(۱) Even in case of zakat which is obligatory upon the Islamic state to collect, the liberty of people in paying it must be observed. As such, when collectors of zakat refer to people, they neither assess the assets liable for zakat nor determine the amount of zakat.

Rather, the person concerned voluntarily mentions the extent of his yields and the zakat for them is calculated and received. Here pressure, compulsion or investigation is not used to know the truth—whether he is telling the truth or not—except in cases where violations (zakat evasions) are so evident and obvious that the Islamic state would incur heavy losses, or where certain individuals formally declare their defiance in paying zakat. In such cases the Islamic state has to pursue its collection of taxes by all means.

Thus, one of the distinctions of the Islamic political system in comparison to other systems is that even in the manner of implementing laws it has taken Islamic values into account. It is appropriate for advocates of freedom, personal choice and human values, to note that in Islam the utmost rational freedom has been considered for individuals and they are expected to discharge their duties freely to attain nobility, growth, and advancement.

If ever in some cases Islam acts decisively, and in the words of the gentlemen, it acts violently, it is meant to protect the freedom and spiritual perfection of the rest of humanity and keep the way of God open. As a result,

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۱- As stated in Shi'i jurisprudence, the Islamic state is not supposed to forcibly collect khums from the people, particularly khums of legitimate wealth mixed with illegitimate wealth [arbah makasib]. In such cases, khums is obligatory but individuals have to voluntarily and willfully assess their own annual financial accounts and pay

.the required khums

society might better be able to tread the path of truth and perfection. In any case, individual liberty is not absolute in Islam. Once this liberty arbitrarily affects material and spiritual interests of society, they shall be restricted. Individuals may receive lashes; a bodily limb of a person may be amputated; or while observing special conditions in very rare situations, a heinous criminal may be executed. These .punishments and severe measures must be regarded as a warning to violators of law

Naturally, once Islam orders the hand of a thief to be amputated, others will see the result of committing theft and the number of robberies will decrease and fewer opportunities for such a disgraceful act will remain. But if lighter punishments for them are stipulated, like imprisonment or monetary fine, the number of thieves will increase. There are even cases where prisoners who are not thieves learn how to !steal on account of their interaction and mingling with thieves

We are not afraid of telling the truth and we declare that in Islam there is severe measure and punishment, and in the words of our opponents, “violence”. There is also harshness vis-à-vis criminals and evildoers as well as the faithless and enemies of ,Islam. As God says

(محمدٌ رسولُ اللهِ و الذينَ معهُ اشدّاءُ عَلَى الكفّارِ رحماءُ بينهم...)

Muhammad, the Apostle of Allah, and those who are with him are hard against the“ (faithless, and merciful among themselves...”(۱

In some cases, Islam also regards the humiliation of a criminal as necessary for the

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.Surah al-Fath ۴۸:۲۹ -۱

:people to learn a lesson

(...وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ)

(And let their punishment be witnessed by a group of the faithful."(1)..."

We can see that in some cases Islam and the Qur'an explicitly regard violent actions and even humiliation of a criminal as necessary, and we cannot omit these verses from the Qur'an. Now, if some people consider such actions as repugnant to human dignity, we would like to say that in some cases, acting against the dignity of evildoers and even humiliating them is necessary for the protection of collective interests. In reality, these kinds of severe punishments are not actually violent, rather an arrangement and creation of opportunity for people's enjoyment of rational social liberty.

Session 29: The Political Hierarchy in the Islamic State

Specific duties of an Islamic government

It would be convenient for our reader to take a quick look at the specific duties of an Islamic government before glancing at its political hierarchy.

1. To guarantee the implementation of laws which directly concern citizens.

2. To implement penal and criminal laws which directly pertain to the state. That is, if certain persons do not act upon or violate basic laws, the state is obliged to punish or penalize them on the basis of law.

3. To meet the needs of society which only the state can meet and are beyond the capability of individuals and groups. An illustrious example of these needs is the issue of defense against foreign enemies.

4. To meet those needs which initially did not pertain to the state as common citizens used to meet them, but which cannot

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1- Surah an-Nur 24:2.

be performed by them anymore.

One of the important and crucial responsibilities of the state is the exploitation of .۵ national wealth and resources which in the Islamic culture is called “anfal”; for example, forests, seas, mines, oil and gas, gold mines, and other public wealth which have no specific owners and no one has the right to personally exploit them. There is .a need for the “state” to properly exploit these resources in favor of society

Last and most important, the distinctive feature of the Islamic state is that apart .۶ from meeting the material needs and discharging the duties which all states have, the spiritual needs of society must also be addressed. Along this line, preservation of Islamic rites, offering public religious education, providing opportunities for the propagation of Islam, and the realization of Islamic objectives are among the .exclusive duties of the Islamic state

Qualifications of Islamic state officials

point

In view of the crucial duties of the Islamic state, the qualifications of officials and workers of the Islamic state in all echelons become clear because the qualifications of officials is commensurate with their duties. Undoubtedly, the heavier and more sensitive the responsibilities, the more qualified the officials must be. The responsibilities of the state in the Islamic political system being heavier compared to other states, the officials of the Islamic state also need to better their qualifications. In every system laws must be implemented but compared to the secular systems, the .legal code is broader in the Islamic state

The objective of law in

p: ۸۷

non-religious systems is to meet material needs of society, maintain social security and prevent chaos and disorder. Such an objective can be realized under easier conditions. Once we add to this objective the protection of spiritual interests and religious values, as stipulated in the [Iranian] Constitution and its implementation entrusted to the Islamic state, the qualifications required for officials in the Islamic

.political system are more difficult than those of other political systems

With this introduction, it is now time to state that every implementer of law in all political systems must possess three general qualifications. In addition to religious textual proof for the officials of the Islamic government, the triple qualifications and .principles also have a solid rational basis

Knowledge of law .۱

He who wants to implement law must have a thorough knowledge of it and be familiar with the conditions and manner of implementing it. One who is ignorant of the law tends to transgress and fail to implement it, and go beyond the limits of his assumed responsibility. Moreover, in view of the fact that laws of the Islamic system are compatible with the fundamentals of Islam, every employee, official or head must be familiar with the religious laws and statutory laws related to his occupation and .responsibility because he is duty-bound to act within the framework of these laws

For one who assumes a responsibility, acquiring correct knowledge, information and insight of his responsibility is of utmost importance. This knowledge of the type and scope of the responsibility a person assumes

p: ۸۸

is not identical. Sometimes, a person has a small responsibility in a limited and specific unit whose pertinent rules and regulations are not many. In this case, the required knowledge to accept that responsibility is very limited. At times, the scope of responsibility of a person is broader; for example, to be the mayor of a city. In this case, the concerned person must know properly all laws related to administering different sections of the city and the manner of implementing and supervising their .implementation

Similarly, there are more conditions for assuming more responsibilities, such as ministerial posts and above them the presidential post which is the highest executive position. The person occupying the presidential post must have outstanding knowledge and familiarity with law, and the ideal and best person assuming such a

.responsibility will be the one with the utmost knowledge of law

Moral excellence .۲

In addition to knowledge of law, the implementer as well as all officials and administrators must also possess distinctive moral excellence so that they do not misuse the posts and facilities at their disposal, with personal and factional motives prompting them to transgress the bounds of their responsibilities. A person may be well-versed in law but once its implementation is inconsistent with his interests, he .might be ready to violate it just for the sake of protecting his interests

There are many examples of such violations by executives and politicians of different countries. It is often read in

newspapers around the world that the president of a given country is condemned to some years of imprisonment for financial corruption, or a certain minister or head is convicted by court. The reason is that they do not have enough piety and moral .excellence to prefer public interests to their own. Hence, they violate the law

So, the second qualification of the implementer of law is possession of moral excellence, which is likewise known as a level of God-wariness [taqwa], so that he can resist caprice, desire and personal or factional interests and steadfastly support the .truth

Managerial skill and experience .۳

A person may be well-versed in law, pious and of good morality, but not have sufficient skill and the necessary acumen to implement the law, and in practice does not know the actual application of law and manner of implementing it. For this reason, those who are in charge of affairs are religiously forbidden to entrust responsibilities to those who do not have the required skill, experience and efficiency in discharging their duty. So, for an administrator to give a satisfactory and desirable performance, .this qualification must be considered in selecting him

In Islam, as in all political systems these three qualifications are emphasized while choosing administrators and executives, but the second qualification, i.e. God-wariness and moral excellence is particularly emphasized. In other political systems in the world the stress is more on the other two conditions and less on the administrators' piety and sense of justice. Yes, sometimes this condition

is expressed in the form of an absence of criminal records of those who occupy .government positions

Necessity of determining origin of statesmen's qualifications

A point worth pondering and given attention to in various schools of philosophy is that each of these qualifications has different levels which in turn have different values. For example, God-wariness has various levels and degrees. One of its levels, which is actually the lowest, is the performance of what is obligatory and avoidance of any sin. Another level is that which is possessed by the holy saints [awliya'] and great leaders of religion like Imam Khomeini (r) and those whose stations are near those of the Infallibles. By having this lofty station, they keep their mind or thinking away from .insincerities and ungodly thoughts

Now, which level should be considered as the source and basis of qualifications of those occupying administrative posts? If we consider the highest level of taqwa as the basis, we will face a problem because such people (who have very high level of taqwa) are very few and perhaps only enough to fill in the highest posts in the country but none for low-rank positions. If we regard the lowest level of taqwa as sufficient, we .usually find such people violating laws and defeating the purpose of their posts

This problem has posed as a challenge to those who present practical methods in different realms and domains of human behavior. Concerning the possession of ."different levels of moral merits, some believe in the principle of "either all or none

That is, either a person should have the highest level of moral excellence or the necessity of having moral merit should be neglected. In the different fields of social sciences including moral philosophy, there is a particular group which holds such an .idea

Rejecting the value–laden approach of Kant in the realm of behavior

Those who are familiar with the epistemological aspect of moral philosophy know that one of the most popular schools of moral philosophy is that of the famous German philosopher, Emmanuel Kant.(١) He believed that any action has a moral value once it is done in the best form without any emotional or social secondary intention or motive. That is, if a person wants to do something good and meritorious, he must do so solely because it is good and meritorious, and not for the sake of its perceived .beneficial outcome or for emotional satisfaction

Therefore, Kant does not give any value to the action of a mother who wakes up at midnight by hearing the cry of her baby and feeds it although according to common people she has done something valuable. According to him, she feeds her baby due to the instinctive emotional relationship between the two. If she does not feed her baby, she will be annoyed, and in reality, by feeding her baby, she satisfies her emotional .and psychological needs

Similarly, if a person does something beneficial for society or tells the truth to gain the confidence of people in social life, his action is devoid of any moral value. Telling the truth has moral value

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Immanuel Kant (١٧٢۴-١٨٠۴): the German philosopher considered by many as the - ١ most influential thinker of modern times. Describing in the Metaphysics of Ethics (١٧٩٧) his ethical system which is anchored in a notion that the reason is the final authority for morality, actions of any sort, Kant believed, must be undertaken from a sense of duty dictated by reason, and no action performed for expediency or solely in [.obedience to law or custom can be regarded as moral. [Trans

only if a person tells the truth because telling the truth is good. Kant has very high standards of morality. An actual manifestation of his moral philosophy can hardly be found. With the exception of the actions of only a very few individuals, the good deeds of people have no moral value because they are done for emotional contentment, .gaining personal, social, and most importantly, spiritual and otherworldly rewards

So, an action is morally good that possesses all the required conditions and if it lacks even one of the conditions, it has no moral value at all. In other fields including discussions on politics and government, it is also said that a government is rightful when all its officials satisfactorily possess the required qualifications. This reminds us .about the establishment of the much awaited government of truth

Prior to the victory of the Islamic Revolution, some religious yet intransigent and crooked-minded Muslims in our society also had the same notion of government, saying: "We have to think of establishing an Islamic government only when many people like Salman al-Farsi exist in our society so that each of them can be assigned the duties of the mayor of every city or town. So long as righteous and meritorious individuals like Salman are not yet trained, one should not get involved in any ".revolution or movement

This group of narrow-minded individuals believed that prior to the advent of Hadhrat Wali al-'Asr (may Allah expedite his glorious advent), the right conditions and grounds for an Islamic

revolution or movement were not available, so one should not stage a revolution. Accordingly, one should wait for the revolution of the Last Imam ('a) with the assistance of his ۱۱۳ distinguished and outstanding supporters to establish the government of justice and equity. They believe that as long as this number of outstanding personalities in terms of morality and piety does not exist, any political .movement or step is uncalled for

Pious and sincere personalities must be available so that all strategic posts and

occupations can be assigned to them and no shortcoming or loophole of any kind can take place in administering society. The least objection and criticism that can be raised against this view is that it can never happen in reality. Besides, if, one does not take any step to topple the government in power and establish an Islamic government as long as the number of righteous, outstanding and distinguished personalities with the highest degree of piety and morality is not reached, then corruption and wickedness in society will increase and prevent positive sociopolitical .developments

Islam's non-judgmental approach in value-giving and assigning duties

In contrast to the above single level and one-dimensional value system, in some systems concerning personal and individual actions as well as sociopolitical changes, various levels and diverse schemes have been functioning. In the first place, an ideal scheme is presented and then other schemes with lesser degrees, advantages and conditions, and finally, emergency schemes. In various cases and situations, there is also the "case-to-case basis" permission

.in Islam

For example, in Islam it is incumbent upon any person who reaches the age of puberty to perform prayer with utmost concentration and sincerity including all other conditions. But this ruling is not fixed but alterable in emergency and exceptional situations. It is applicable only to the situation when a person is capable of performing prayer with all its conditions and parts, whereas in exceptional and emergency situations some of its conditions and parts are no longer required. In a situation when the person praying must take a bath [ghusl] but there is no water available, or water is harmful for him; or he must perform ablution [wudhu] but cold water (which is the only available) is harmful for him; or he cannot perform ablution, Islam does not accept the .”notion of “either all or none

Islam does not say that one should pray only when all conditions can be fulfilled and

do so with utmost concentration and sincerity or not pray. In such cases, instead, Islam has offered man alternatives commensurate with the exceptional and emergent situation he may be in. In the abovementioned example, it has ordained that if a person is incapable of taking a bath or performing ablution, as the case may be, he still has to pray after performing dry ablution [tayammum]; if he cannot stand and pray, he should sit and pray; if he cannot pray while sitting, he should pray lying down. Even in a situation when a person is still

conscious but cannot move his body including his tongue, Islam has not exempted him from prayer. Even in such a critical and bad situation he has to pray, but it is .commensurate to his condition or situation

This shows that in the Islamic value system different qualitative and quantitative degrees have been taken into account for sociopolitical and religious obligations, each of which has a value commensurate to its nature. In the first place, the lofty and ideal degree is considered and below it are the second and third degrees until the lowest degree which is related to an emergency or an exceptional situation. The obligation of .man in the latter situation is the least that can be expected from him

Worship has different degrees of value

Another example that can show the fundamental distinction and difference between the Kantian theory and the Islamic viewpoint is the value of worship ['ibadah] and its different degrees. The highest form of worship is that which is done solely because of love and reverence for God—the same worship the Commander of the Faithful ('a) :[described in one of his litanies [munajat

اِلٰهى مَا عَبَدْتُکَ خَوْفاً مِنْ عِقَابِکَ وَ لاَ طَمَعًا فِى ثَوابِکَ وَلٰکِنْ وَجَدْتُکَ أهْلاً لِلْعِبَادَهِ فَعَبْدتُک.

My Lord, I have not worshipped You out of fear of Your chastisement or out of greed " (for Your reward, but I found You worthy of worship so I worshipped You."(۱

:In another place, Imam 'Ali ('a) divides the worshippers into three groups

إِنَّ قَوْماً عَبَدُوا اللهَ رَغْبَةً فَتِلْكَ عِبَادَةُ التُّجّارِ، وَإِنَّ قَوْماً عَبَدُوا اللهَ رَهْبَةً

.Bihar al-Anwar, vol. ۴۱, p. ۱۴ -۱

فَتِلْكَ عِبَادَةُ الْعَبِيدِ، وَإِنَّ قَوْماً عَبَدُوا اللهَ شُكْراً فَتِلْكَ عِبَادَةُ الاْحْرَارِ.

A group of people worship Allah out of desire for reward; this is the worship of" traders. Another group worship out of fear; this is the worship of slaves. Yet another (group worship Allah out of gratefulness. This is the worship of free men."(۱)

In his statement, Imam 'Ali ('a) regards the worship done solely out of gratitude and reverence to God as the highest and most superior, and Islam wants that all believers perform that kind of worship. However, it is clear that not all have the station, capacity and dedication to perform such worship. Such worship can only be done by the sincere awliya' of Allah whose station is so sublime that they have been annihilated in the Beauty of the Beloved, and even if they are thrown into hellfire, they will not desist from worshipping and calling unto Him. Or, even if they are not admitted to paradise, they will not stop worshipping Him. No doubt, such individuals can hardly be found in .millions

Now, once we accept Kant's notion of "all or none" and believe that an act is morally good only when it fulfils all necessary conditions and capabilities without even an iota lacking in it, it means that the only acceptable worship is that of the highest degree which is done solely because of gratitude and reverence to God; only the worship of the sincere awliya' of Allah is accepted, and not the worship

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.Nahj al-Balaghah, Saying ۲۳۷ -۱

of those who desire paradise or are afraid of divine chastisement. Islam does not .accept this myopic and bigoted view

In order to facilitate the servants of God and remove any hardship or difficulty along their way, Islam has considered varying degrees as far as worship and other obligatory acts are concerned—degrees which begin with the least required capabilities and conditions, i.e. possession of the minimum valuable quantities, up to the highest degree or level which has all the required capabilities and conditions and .to reach it means attainment of the highest spiritual station of man

It is like the worship of personages such as the Commander of the Faithful (ʻa) and the students of his school [maktab] who have attained the most exalted station and gnosis and reached the highest degree of servitude to God. But the worship of those who are below them and have reached lower stations and worship God out of desire for spiritual rewards and recompense is also acceptable. So is the worship of those who are even lower than them and worship God out of fear of His punishment. Their .worship also has some value

Categorized models of Islamic government

The basis of values in Islam is not "all or none" or of a single level. Values have varying degrees which begin with the lowest degree up to the highest. The same is true of the Islamic political system. Islam presents an ideal form of government which can materialize under particular circumstances by those who have exceptional qualifications, capabilities and

merits that cannot be found in others. In reality, that form of Islamic government can be run only by those who possess infallibility [ʻismah] and do not have the least defect .and blemish in their thinking, speech or action

This is the highest form of Islamic government that can be described so far—the government headed by the one who not only refrains from thinking of sin but also does not unconsciously make a mistake. He has no blemish of any sort and completely abides with what is good; he perfectly knows the code of Islamic laws and implements them exactly. This is exactly the ideal form of government which was

implemented by the prophets including the Prophet of Islam (s) and during the short .(reign of the Commander of the Faithful ('a

Of course, more ideal than this can also be imagined but it is impossible to implement, and that is the form of government whose chief executive as well as commanders, .[governors and mayors are all infallible [ma'sum

As we have said, this form of government will never be realized because in no period of time will the number of infallible personages be such that all government posts can be occupied by them. The only ideal form which can materialize is that a ma'sum heads the government hierarchy. Besides, this ideal form will only materialize at the .time of the presence of a ma'sum after removal of all impediments to his rule

Therefore, in the Islamic political system various stages and degrees

have been considered for the government. After failing to establish the highest form of Islamic government headed by a ma'sum, (during this period of occultation .[ghaybah]) we should not give up trying to establish an Islamic government

In the case of inaccessibility of an infallible Imam we have to entrust the government to one who in terms of knowledge, God-wariness and management—whose highest degree can be found in a ma'sum as he has infallibility in knowledge, motive and action—is nearest to an infallible Imam. In the absence of such a person, the government must be entrusted to the one who is lower to him in station, one after the other, until it reaches the turn of the one who has the least qualification to run the government. With a degree lower than that, the government objectives will never .materialize. Under no circumstances should this form of government be chosen

Rational proof of the wilayah al-faqih system

The ideal and highest form of Islamic government which is the sought-after according to Islam is the rule of a ma'sum. When its ideal form cannot be established due to the absence of a ma'sum, the one chosen to rule should be one who is nearest to the

infallibles in both knowledge and action. He can be no other than a duly competent jurist [faqih] who, on account of merits, capabilities and proximity to the infallibles in terms of knowledge, behavior and managerial skill, is regarded as the successor to .the infallible Imam

So, the

justification of the wilayah al-faqih system is that when there is no direct access to the infallible Imam, the duly competent faqih who is superior to the rest in the knowledge of laws, in piety, even in sociopolitical matters, in the observance of social justice and enforcement of laws, in possessing political acumen to manage society and practical skill in ways of implementing laws, in struggling against evil and carnal desires and preferring the interests of Islam to personal and factional interests, has .to take charge of government affairs

In this regard, one may possibly say: Since we do not have direct access to a ma'sum, the qualifications required for the Islamic ruler are no longer necessary nor credible—neither the expertise in Islamic jurisprudence, God-wariness nor managerial skill. Anyone may file his candidacy to rule over the Muslims, and once the majority of people accept him, his authority should be credible and binding. In reality, this .”hypothesis is anchored in the principle of “all or none

That is, if the highest form of qualifications which only a ma'sum possesses is unavailable, those qualifications in their lower forms are no longer credible. Once the piety of a ma'sum is not possessed by anyone, piety is not necessary at all for a ruler. A corrupt person who commits a cardinal sin can also occupy the highest post in an Islamic government. One who does not have a rudimentary knowledge of jurisprudence can also occupy the highest post in an Islamic government. According

to the Islamic political system, this notion has no justification at all and is rejected. It

.can only be justified in the Western democratic theory

In Muslim countries, some intellectuals who have a superficial and scanty knowledge of Islam have mixed their understandings of Islam with the tenets of Western culture and succumbed to eclecticism. In supporting the democratic model, they show in practice that they have accepted the notion of "all or none". These narrow-minded Muslims believe that in the presence of an infallible Imam, he must rule over the Islamic society. In his absence the criterion should be the opinion of the majority, and no condition other than popular acceptability be binding. Such a view is in no way compatible and concordant with the Islamic perspective and the dominant spirit of .Islamic laws

Islam has laid down different levels for its laws. In its value system, it has also considered different degrees of values. With respect to social issues, we can equally observe that it has taken into account special or particular conditions for some social matters. In case of failure to meet all the required conditions, those conditions that can be met are acceptable. With the aim of elucidating this point, we shall deal with .the issue of pious endowment [waqf] which is one of the social laws of Islam

It is stated in the rulings on waqf that if a pious bequest [mawqufah] is endowed with a particular use, it must be utilized for only that particular

p: ۱۰۲

use. Now, if that particular use is practically no more available and has no external manifestation, the pious bequest must be utilized in something which is most similar to the intended utility. For example, our predecessors had endowed many pious bequests to provide the forages of riding animals of pilgrims to the holy shrine of the Doyen of the Martyrs ('a). The income of these endowed properties was spent on the forages of horses and camels mounted by pilgrims to the mausoleum of Imam al-.'Husayn ('a) in Karbala

However, since that utility is no longer applicable now as no one goes to Karbala' for pilgrimage riding a horse or camel anymore and traveling is done by air, rail or road,

shall we dispense with those endowed properties and not consider any utility for them on the basis of the "all or none" thesis, or as the Islamic perspective or approach demands, shall we choose the other options which are the most similar to the previous utility to provide fuel for airplanes and vehicles of pilgrims to Karbala?'

Similarly, if an endower [waqif] wills that after him any one of his sons who becomes a mujtahid will assume the custodianship of his waqf, yet none of his sons is a mujtahid though one of them has almost attained ijtihad or is a quasi-mujtahid, will the waqf remain without any guardian since none of the potential guardians is fully qualified? Or, shall we choose the second most qualified in the absence of

the perfectly qualified guardian, i.e. choose the one who has almost attained ijtihad in the absence of a mujtahid?

In religious and sociopolitical issues there are many examples that both reason and religion regard as having an array of degrees. Similarly, in the Islamic government different degrees have been considered for the ruler. In the case of unavailability of the highest degree, i.e. an infallible Imam like in this period of occultation, the government should be entrusted to the one who is the deputy of the infallible Imam ('a) and the nearest to him in every respect, and that is no one other than the duly competent faqih.

Session ۳۰: The Connection between the Absolute Guardianship of the Jurist and the Islamic Government Establishment

Balance between prerogatives and duties in the Islamic state

Whenever a responsibility is entrusted to a person or a duty is assigned to him, certain prerogatives must be granted to him so that he can exercise them in discharging his duty or responsibility. The heavier responsibilities of the Islamic state in terms of magnitude and scope demand greater prerogatives and facilities than those of other governments in order to do justice to them. We shall cite an example in order to make this point clearer and more empirical.

With incessant technological advancement and transformation in the recent past, new conditions and situations have emerged in human society requiring a change in the manner of interaction, way of living and attitude towards the environment. New vistas like exploration of outer space have been opened to mankind. When cars were not yet invented, people had contracted roads and narrow pathways which could

give way to only horses and the like. In some parts of ancient cities such a condition still exists. Yet, when the number of vehicles multiplied, people had no option but to commute within the city through vehicles. They had to expand the narrow roads and construct streets and highways to make traffic easy and comfortable and prevent any .possible dangers and accidents

Once the state and its officials want to construct and expand roads and streets, they have no option but to exercise authority over the lands and houses of people and demolish them. If the state is expected to make traveling comfortable, but not authorized to demolish some houses (along the streets to be expanded or constructed), such a demand is absurd, illogical and impractical. So, the state must have such authority to be able to discharge its duty. The state has to compensate for .the damage caused and rehabilitate the affected people somewhere else

Connection between absolute guardianship (wilayat–e mutlaq) and government prerogatives

In Shi'i jurisprudence [fiqh], the Islamic government's possession of necessary and sufficient prerogatives for the performance of its responsibilities in line with .discharging of responsibilities is attributed to the absolute guardianship of the faqih

In the Qur'an, traditions and statements of jurists [fuqaha], usually the word "guardianship" [wilayah] is used instead of "government" [hukumah]. Apart from that, the word wilayah is more appropriate than the word hukumah—just as the Supreme Leader Ayatullah al-'Uzma Sayyid 'Ali Khamene'i pointed out, the connotation

of the word hukumah is laden with a sense of dominance and imposition—as the word wilayah is more profound and associated with love and affection. At any rate, the word wilayah can be used in lieu of hukumah, as one who regards "government" as necessary for society also feels the same about "guardianship" for society in juristic .parlance and usage

Given these introductory remarks, we argue that if this wilayah enjoys all prerogatives through which all responsibilities can be discharged and all needs of society addressed in accordance with Islamic and legitimate standards, it can be said that this wilayah is absolute. But if the wali al-amr [Guardian or Master of the Affair] has wilayah only to the extent necessary, i.e. only in cases where the lives of some people are in danger that we believe in him to have the right to exercise authority over the properties of people, and no authority in city development and beautification as well as construction of green zones (parks) and squares, it is said that this wilayah .is limited and conditional

People's skepticism on absolute guardianship

We are explaining these things because some people, in a bid to misguide the people in general and the youth in particular, are poisoning their minds by pointing out certain fallacies in the theory of wilayah al-faqih. Initially, they objected to the word wilayah, saying that "guardianship" [wilayah] is applicable to children and the mentally retarded. Wali means "guardian" and is needed by those who do not have

p: ۱۰۶

the necessary intelligence and capability to administer their daily lives. So, anyone who advances the theory of wilayah al-faqih, in reality regards the people as having .low intelligence quotients (IQs) and needful of guardians

This fallacy is very clear and self-evident. Just as the wilayah of the Ahl al-Bayt ('a) does not literally mean their guardianship of people and the latter's need for a guardian, wilayah here is used to mean hukumah, i.e. administering social affairs and overall management of society. Wilayah al-faqih means that certain individuals are

authorized by God to administer the primary affairs of society, and it is not that those who are under the rule of wilayah al-faqih and Islamic government are children, the !mentally retarded or psychopaths

They have further committed a fallacy with respect to the word mutlaq [absolute]. They have claimed in some of their writings that “absolute guardianship” is tantamount to polytheism [shirk]. Thus, accordingly, those who believe in “absolute guardianship” are polytheists and have associated deities to God because apart from Him who is the Absolute, they have also recognized the wali al-amr as “absolute”! .Sometimes, one does not know how to react to these childish and silly claims

Let me say briefly that firstly, in the Islamic texts, the Qur’an and traditions in particular, the word mutlaq has never been used for God, and in Arabic lexicon it is not correct to associate the word mutlaq to God. If ever out of carelessness or modification of the meaning

p: ۱۰۷

of mutlaq, we associate it to God, it implies that God, the Exalted, is unlimited without .any weakness, defect and deficiency

No one has such a belief about anyone other than God. We believe that the One and Only God has Absolute Perfection without having any defect and deficiency and He has all the eternal Attributes. Obviously, this belief does not necessarily mean that the Islamic state should not have the necessary prerogatives to perform its duties. .Basically, these two points have no connection with each other

Absolute guardianship” means that the ruler, leader and head of the Islamic ummah“ has the necessary prerogatives to discharge his duties and do what is good for Islamic society, and the wali al-faqih may interfere or exercise authority whenever necessary. In order to make this point clearer, we shall explain the Islamic .government theory further, though we have already dealt with it earlier

Investigating the structure of Islamic government

point

Once the structure and nature of Islamic government is talked about, some people refer to political philosophy books and mention the different types and forms of governments established in human society since time immemorial such as oligarchy, aristocracy, monarchy, and democracy. Nowadays, democracy is divided into republicanism and constitutional monarchy, and republicanism into presidential and .parliamentary

They ask us whether the Islamic government is one of those mentioned forms of government or something distinct. If the Islamic government is republican, it is the same democracy or "government of the people for the people by the people" and thus Islamic government is in

no way different. If it is said that Islamic government is a monarchy, then why is the government in Iran called "Islamic Republic"? In any case, has Islam no idea about its form of government, or does it grant freedom to the people to choose the type and ?form of their government, or has it stipulated a distinct form of government

In reply to the question on the structure of government according to Islam, many of them have said that Islam does not endorse a particular form of government. To some extent this answer is correct, but it is not devoid of ambiguity. To explain this, I .deem it necessary to highlight two points which must not be neglected

The extensiveness and irrevocability of Islamic laws .١

The first point is that Islam and its laws are not confined to a particular time and place. The inalterable and constant laws of Islam have been enacted in such a way that they are applicable to all ages and societies. Meanwhile, a government may be established in a small and limited territory or an island with a small population. It may equally be founded in a country with a population of one million or a country like India or China with a population of about one billion or more than a billion. In any case, the government may assume numerous forms. A small community of one hundred

.families may have a government of its own

A country with a population of one billion may also have a government of its own. It

p: ١٠٩

is even possible that one day a global government will be established on earth. In view of the diversity of governments, can a model or laws for a government be proposed that would encompass all governments? Or, is it that a particular form should not be determined for the government, and if ever a particular form is presented, it will not be suitable for some societies and not applicable to other societies? For example, if we claim that during the advent of Islam its laws were initially applicable to the small community at Medina, and the government founded by the Messenger of Allah (s) was suitable for the society at that time whose population .probably did not exceed a hundred thousand

Is the model and form which Islam wants to present as the Islamic government the same model and form of the government of the Prophet (s) during the early period of Islam with features and characteristics suitable for a small population of that time with particular moral and cultural elements? Or, is it that Islam is not only devoid of a particular model and form of government but also has not set any pertinent limits, ?conditions, requirements and rulings

The fact of the matter is that the Islamic approach is neither of the two. In fact, apart from presenting a specific form of government suitable to its inalterable and constant laws, Islam has introduced a general or overall framework which can integrate .changes, variations and numerous or diverse forms

p: ١١٠

Islam has neither given total freedom to the people to do whatever they want nor presented a limited and narrow form of government applicable only to a certain age and place. The general framework introduced by Islam has a broad scope and span, .containing all correct and reasonable forms of government

We describe this general framework of government as the Islamic government. This framework emerges at a given time with a particular structure and form, and with a different structure and form at another time. Neither of these two forms and structures or any other form or structure for that matter is incompatible and .repugnant to the Islamic nature of the government in question

In other words, Islam does not endorse a particular form or type of government. Its guiding principle is the observance of the general framework; the structure of government should neither be beyond it nor inconsistent with it. The inalterable and constant laws of Islam which have been enacted for all societies up to the Day of Resurrection have a general structure. In contrast, secondary and alterable laws conducive to particular times and places are also enacted. Among these alterable laws are administrative laws which are issued or approved by the wali al-faqih. To .obey and follow these laws in their forms or shapes is obligatory

Presentation of government models derived from Islam .۲

The second point is that the goal of the Islamic government is to reach and realize a set of ideal and desirable conditions. But since

p: ۱۱۱

it is not always possible to achieve them, there is no option but to consider a substitute of the ultimate choice. That is, if the ideal condition is not available, the second choice will replace it, and if the second choice cannot be achieved, the third choice will replace it. This implies that our value system is neither monolithic nor considers value as confined only to all that is ideal. Instead, in the Islamic value system values have a multilayered structure and diverse degrees as well as the most ideal and supreme value. Below this zenith of value, other degrees are also valuable in their own rights. It is not correct that if the ideal value cannot be realized, we should .totally give up and not resort to an equally valuable option below it

The point is that Islam has set an ideal form of government which can be established whenever the said government is headed by the Prophet (s) or an infallible Imam. This

:ideal option has been explicitly emphasized by God in the Noble Qur'an

(يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللّهَ وَأَطِيعُوا الرَّسُولَ وَأُوْلِی الأَمْرِ مِنكُمْ ...)

O you who have faith! Obey Allah and obey the Apostle and those vested with" (authority among you..."(١

:In another verse, He says thus

(وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانتَهُوا...)

(Take whatever the Apostle give you, and relinquish whatever he forbids you..."(٢"

The foremost view of Islam is that an infallible person must head the government and hold the reigns of power so that he

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.Surah an-Nisa' ۴:۵۹ -١

.Surah al-Hashr ۵۹:۷ -٢

can manage and supervise the political apparatus. But a ma'sum is not always present among the people to directly hold the reigns of government. Even when a ma'sum is present, it does not follow that he is in a position of strength to establish a .government and exercise power

In fact, among our Imams, only the Commander of the Faithful ('a) and Imam Hasan al-Mujtaba ('a) for a very short period were able to rule. Since the time of Imam al-Husayn ('a) the circumstances were not suitable for the infallible Imams ('a) to establish an Islamic government. Either the people or majority of them did not support them to establish an Islamic government or an influential section of society prevented them from establishing it. As such, each of the Imams ('a) was forced to .distance himself from the government of the day

Precedence of the notion of "state within a state" in Islam

In case the government is not under the control of an infallible Imam or a just ruler but an oppressive and taghuti regime is established, should people leave all affairs to an illegitimate and tyrannical ruler and totally relinquish government affairs? Are righteous and pious individuals not supposed to properly attend to government affairs at any level and guide society to the extent possible? Undoubtedly, the reply of Islam .is in the negative

In such cases, Islam has set emergency substitutes and maintained that if an infallible Imam is present but has no support in establishing a government, or he is not present and the government is outside the

control of his righteous and just successor, the people may, as much as possible, refer .in matters related to government to a person who is most similar to a ma'sum

Indisputably, conflicts and disputes always occur in society about personal, family, social, commercial and matters of inheritance. For example, two partners may have a dispute over their shares; inheritors may fight over the inheritance; spouses may have a quarrel. Certainly, in order to resolve these differences people are in need of government decisions. They have to refer to a legal authority that will investigate the .differences and discords

Under the pretext that the government of truth does not exist and an infallible Imam or a just ruler is not in control of government, people are not supposed to be contented with the taghuti government, do whatever it commands and reject an alternative. In fact, in particular and limited cases if there is a chance to refer to a person who issues and implements the correct Islamic decree, it is expedient to refer to him. As such, the infallible Imams ('a) have introduced a scheme for such circumstances and conditions which in modern parlance is described as establishing a ."“state within a state

If the government is in the hands of tyrants and usurpers and the people do not have sufficient power and means to rise up and overthrow them and establish the

government of truth, in relation to administrative matters the people are supposed to ,refer to the fuqaha and those who

though not infallible, have been trained in the school of the Ahl al-Bayt ('a) and occupy the highest station of piety and knowledge of religion and who in knowledge and moral conduct are nearest to the infallibles. In relation to their administrative problems people must refer to the faqih who has the intellectual capability to deduce and apply the correct Islamic law, has the necessary managerial skill to adjudicate and issue a verdict, and has the highest decree of piety, trustworthiness and .credibility

This statement or the notion of a "state within a state" means that within the vast jurisdiction of an illegitimate state, small and limited 'states' that can to some extent become the sanctuary of people in their administrative problems must be established. In our Islamic culture, such a government is described as "restricted guardianship" [wilayat-e muqayyad]—a kind of guardianship which fuqaha had even during the time of the infallible Imams ('a). With the permission of the Imams ('a), fuqaha had the .authority to adjudicate, bid and forbid

Even during the period of occultation [ghaybah] the fuqaha, though incapable of establishing a government, used to exercise authority in certain cases of litigations, disputes, quarrels, urgent matters, and what is described in our jurisprudence as "financial affairs" [al-umur al-hasbiyyah]. In terms of form, substance and extent of prerogatives, however, "restricted guardianship" was considerably different from the .["absolute guardianship of the jurist" [wilayat-e mutlaq-e faqih

Throughout the history of Shi'ism, "restricted guardianship" has been enjoyed by the fuqaha, and people, with

full satisfaction and confidence used to refer some of their social problems, disputes

and differences to them and ask for correct solutions. Perhaps, it is because of this historical precedence that theoreticians are less skeptical about it, and it does not meet much opposition. On the contrary, on account of its lack of long historical precedence in the recent past, and its strictness towards malevolent xenophiles and their illegitimate interests, the "absolute guardianship of the jurist" has been a subject .of pusillanimous objection and attack

"Imam Khomeini's presentation of "absolute guardianship of the jurist

From the time of occultation of Hadhrat Wali al-'Asr (may Allah expedite his glorious advent) up to the occurrence of the Islamic Revolution in Iran, the possibility that one day a rightful and truthful government will be established by a duly competent faqih .was more akin to a dream and illusion

Even if the people in our country were told, as late as thirty or forty years ago, that one day a faqih will topple down the taghuti regime, no one would believe it and consider such an idea as nothing but mere daydreaming. It would be like someone saying that a time will come when we will fly without the help of instruments and facilities, for it is believed that such an event will happen only in dreams and never .take place in real life

At that time, it was funny for people to hear someone claiming that a cleric in place of the taghut will take control of the country. The people would ask, "Is

it possible? How could a person who, could hardly find his daily bread, was not secure even in his home, whose house could be raided, and he, banished, imprisoned and !?tortured, acquire the power to establish a government

It is true that wilayah al-faqih was not actually implemented in the past as it did not seem reasonably probable, but since its assumption was possible, some prominent fuqaha advanced the theory of "absolute guardianship of the jurist". They examined the question: If one day conditions for the faqih to rule are provided and he actually ?takes charge of government, would his wilayah be absolute or limited

Contrary to those periods of the infallible Imams ('a), when on the one hand, they practiced dissimulation [taqiyyah] in a position of weakness, deprived of their right to interfere in administrative issues, and people referred some of their problems like disputes and differences to them only in private and acquired their verdicts; and, on the other hand, when the fuqaha distanced themselves from the government and were robbed of the chance to interfere in administrative matters; if a chance appeared for a faqih to rule and he became politically strong enough to establish a government, should he exercise wilayah only in "urgent matters" and interfere only in "financial affairs"? Or, should all limitations, conditions and "specific restrictions" on the faqih's exercise of authority, imposed during the reigns of taghuts and tyrants, be removed, and, exactly like an infallible Imam who is politically capable of establishing a

government, should the faqih also have all the prerogatives that an infallible Imam has in the overall administration of society? This option has been presented as the theory of "absolute guardianship of the jurist."

Among our prominent figures, the one who, in addition to expounding the theory of "absolute guardianship of the jurist" as a juristic proposition, regarded the same as practically realizable, was His Eminence Imam Khomeini (q). Forty years ago, he used to mention in his lectures that there is the possibility of a faqih establishing a government in a certain geographical location.(۱) The faqih would have all the prerogatives of a religious ruler and his authority would not be confined to financial affairs and urgent matters. As far as the interests of Islamic society were concerned, he could exercise authority within the framework of religious standards and Islamic precepts.

At that time, when the Imam discussed this theory, his students accepted it intellectually with good intention, good opinion and affection for him. Yet, they could not imagine that it would be implemented until finally, the Islamic movement in Iran gained momentum and gradually the Revolution triumphed and the Islamic

.government was established

So, the "absolute guardianship of the jurist" means that the one who, according to Islam, is competent to rule, and in terms of knowledge, piety and managerial skill is most similar to a ma'sum, and is able to establish a government will have all the prerogatives of an infallible Imam in managing the affairs of society. Once

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See Imam Khomeini, Islamic Government: The Governance of the Jurist, trans. - ۱ Hamid Algar (Tehran: The Institute for the Compilation and Publication of Imam [.Khomeini's Works, ۲۰۰۱). http://www.al-islam.org/islamicgovernment [۱۲] [Trans

the wali al-faqih enjoys these extensive prerogatives, all laws, executive orders and ordinances to be passed in the Islamic government under the command of the wali al-faqih will be deemed legitimate only through his permission and approval. Without his permission, no one else will have the direct and independent right to legislate or .implement a law

All administrative affairs shall become official by his permission and authority. Under his government, individuals shall implement laws through his designation, or if they are elected according to predetermined laws and arrangements, their assumption of office shall become official through his approval and permission. Thus, without the permission and authority of the wali al-faqih no step shall be deemed official and .legitimate

The Imam used to say time and again: If a government is formed without the approval and permission of the wali al-faqih, it is taghuti. It means that we have no more than two essential types of government: the government of truth and the government of taghut. The government of truth is that which is headed by the wali al-faqih who is the supreme authority in all administrative affairs and issues, and all matters shall acquire legitimacy through his permission and approval. If it is not so, ,then it is the government of falsehood and taghut, and as the Qur'an states

(...فَمَاذَا بَعْدَ الْحَقِّ إِلاَّ الضَّلاَلُ)

(So what is there without the truth except error?”(١)...“

’Description of wilayat al–faqih in the maqbulah of ‘Umar ibn Hanzalah

In view of what has been said, the prerogatives of the faqih are confined

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.Surah Yunus ١٠:٣٢ -١

to sacred religious standards and laws and do not go beyond them, making it clear that belief in the “absolute guardianship of the jurist” does not mean polytheism or considering someone other than God as absolute. As a matter of fact, according to some narrations transmitted from the infallible Imams (‘a), anyone who disobeys the .[decree and order of the wali al-faqih is a polytheist [mushrik

As narrated in the maqbulah of ‘Umar ibn Hanzalah, concerning two believers who had a dispute over religious issues or worldly matters like inheritance, they asked Imam as-Sadiq (‘a) whom they should refer to for judgment and solving of their conflict. The Imam (‘a) dissuaded them from referring to a taghut or tyrant ruler but instead ordered them to refer to the narrators of hadiths, religious scholars and :experts, saying

...فَإِنّی قَدْ جَعَلْتُهُ عَلَيْكُمْ حَاكِمًا، فَإِذَا حَكَمَ بِحُكْمِنَا فَلَمْ يَقْبَلْهُ مِنْهُ فَإِنَّمَا إِسْتَخَفَّ بِحُكْمِ اللهِ وَ عَلَيْنَا رَدَّهُ وَالرَّادُّ عَلَيْنَا الرَّادُّ عَلی اللهِ وَ هُوَ عَلی حَدِّ الشِّرْكِ بِاللهِ...

For I appoint him as judge over you. Anyone who rejects his judgment is as if he...“ belittles the judgment of Allah and rejects us, and anyone who rejects us is as if he (rejects Allah, and rejection of Him is tantamount to associating partners with Him.”(١

According to the abovementioned tradition, if the duly competent faqih establishes a government or takes charge of government affairs, anyone who opposes him and rejects his orders and words is as if he opposes the infallible Imams (‘a) and

opposition to

.Usul al-Kafi, vol. ۱, p. ۶۷; Wasa’il ash-Shi‘ah, vol. ۱, chap. ۲, p.۳۴ -۱

them is tantamount to polytheism [shirk]. This polytheism is not in the ontological Lordship [rububiyyat-e takwini] of God but rather polytheism in the legislative Lordship [rububiyyat-e tashri‘i]. The explanation for this is that monotheism [tawhid] :has different classifications and degrees

monotheism in creation, i.e. belief in the Unity or Oneness of the Creator of the (۱) ;universe

monotheism in Divinity [uluhiyyah] and servitude [‘ubudiyyah], i.e. belief that no one (۲) is worthy of worship but God who is the Absolute Lord and Legislator; and

Divine Unity [tawhid-e rububi] which is divided into two: (a) ontological Lordship and (۳) .(b) legislative Lordship

Ontological Lordship” means that we have to consider that the designing and“ management of the entire universe lies with God and to believe that the rotation of the sun and moon, the taking place of day and night, life and death of man and animals, and the protection of the world and all its inhabitants from destructive collisions and clashes all depend on God. It is He who protects heaven and earth. All beings that come into existence in any part of this vast universe, grow and die, procreate, do anything that manifests their existence are all under the supervision .and control of God. No phenomenon is outside His Lordship

Legislative Lordship” is only related to the discretional management of human beings“ whose movement, impact and evolution, contrary to that of other creatures, depends on their own discretion. For example, God introduces the straight path to man and acquaints him

with good and evil, and enacts and issues laws and ordinances for the individual and social life of man.

Based on what has been said about monotheism and its different categories, anyone who denies the legislative Lordship of God, even if he recognizes the ontological Lordship or the Unity of God in creation and servitude, is a polytheist. The same kind of polytheism was committed by Satan who recognized God as the One and Only Creator and His ontological Lordship. As such, he said:

(قَالَ رَبِّ بِمَا أَغْوَيْتَنِی لأُزَيِّنَنَّ لَهُمْ فِی الأَرْضِ وَلأُغْوِيَنَّهُمْ أَجْمَعِينَ)

"He said: My Lord! As You have consigned me to perversity, I will surely glamorize [evil] for them on earth, and will surely pervert them all."(۱)

It can be noticed that Satan believed in God's ontological Lordship, regarding Him as his Cherisher and Sustainer. What he denied or rejected was the legislative Lordship and thus he became a polytheist (nay, the first polytheist). Since God the Exalted, makes it obligatory to obey any of the infallible Imams ('a), anyone who refuses or declines to obey actually denies the legislative Lordship of God and is tainted with polytheism in the legislative Lordship.

Similarly, when an infallible Imam ('a) appointed or designated a person and made it incumbent upon others to obey him, anyone who did not recognize him or submit to him was tainted with polytheism in the legislative Lordship. So, if Imam as-Sadiq ('a) said that opposition to the wali al-faqih is tantamount to associating partners with Allah, it was

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۱- Surah al-Hijr ۱۵:۳۹.

not a hyperbole as he spoke the truth, for it was polytheism in legislative Lordship, which Satan was also tainted with.

Based on what has been said, according to Islam the structure of the Islamic

government has different degrees. Its ideal degree can be reached whenever the Prophet (s) or an infallible Imam ('a) takes control of government. Its lower degree is when government is entrusted to the duly competent faqih who in terms of knowledge, piety and managerial skill is the nearest to the infallible Imams ('a). One degree lower than this one is that if there is no duly competent faqih, or the faqih accessible to people lacks the competence to manage society, the wilayah and government shall be entrusted to 'just believers' because society cannot be .abandoned without any government

Thus, in the presence of an infallible Imam his government or wilayah is most ideal and during his absence the faqih who is most akin to the infallible Imams ('a) should take control of government. In the absence of such a faqih, a just believer whose sense of justice and piety are such that people trust him and are satisfied with his implementation of laws shall take hold of government though his knowledge and .learning is not equal to that of a faqih

Of course, we hope that the 'ulama' and figures that are capable of guiding and managing society are always present so that they can shoulder this responsibility of guiding society. God the Exalted, favored us

by blessing us with the dear Imam who guided our society remarkably well. After the Imam, He preserved his righteous student and successor for us, the nearest to the Imam in piety, asceticism, political insight, consideration for the interests of Muslims, .management and leadership of Islamic society, and other outstanding characteristics

Islam's view on separation of powers

Another subject which needs to be dealt with at present is the separation of powers and government responsibilities. According to Islam, the government does not have a specific form or type suitable to a society with particular characteristics. According to Islam, the government may have a structure or form which is suitable to a small society composed by a limited number of families, or to a country with one billion-

strong population or even a global society. Naturally, all the responsibilities and special functions of the government that bespeak of the raison d’être of the state—especially in densely populated societies—cannot be shouldered by a single or two .persons

Issues related to internal security, defense against foreign enemies, supervision of economic activities and international affairs, conduct of international relations, the observance of Islamic rites and the implementation of Islamic laws are also extremely heavy responsibilities. So, the option is to have division of labor. This division of labor can be done in two ways, viz. horizontally and vertically. That is, both sections of government activities are located in two separate compartments comprising two triangular shanks which do not intersect each other at

p: ۱۲۴

.the middle and finally end at the top of the pyramid

In plain language, the best and most expressive similitude of government is a pyramid, hence, the term “pyramid (hierarchy) of power” has been chosen by political philosophers for government. The hierarchy of power is like a pyramid which has its own specific features. It consists of a triangular base and different sloping sides that .meet in a point at the top

Once we consider the government in its general sense, each side of the pyramid represents a section of government responsibilities. Based on the division of power in the political and legal philosophy of Montesquieu government power is divided into three branches—legislative, judiciary and executive—the three ‘sides’ or sections of government deal with legislation, adjudication and implementation. One part of government activities consists of codifying general and particular laws and ordinances; another part is related to the resolution of conflicts and differences according to law; yet another part deals with implementation of laws and .management of society

Grounds for overlapping of functions

It is true that division into three is appropriate and proper, but it must be noted that drawing dividing lines is not an easy job. In practice we can never totally remove enactment and codification of laws and ordinances as well as ratification of bylaws from the executive branch and not allow executive power at any level to engage in the enactment of executive orders and bylaws. Nowadays, in all democratic countries that have recognized the separation of powers, there is willy-nilly a degree

p: ۱۲۵

of overlapping between legislation and implementation. The most evident form of overlapping of functions can be observed in parliamentary systems. Meanwhile, :democratic systems are classified into two: parliamentary and presidential

۱. The parliamentary system of government is formed on the basis of the fusion of power. That is, all powers are concentrated in parliament. After the election of members of parliament (MPs) from among electoral candidates of various parties and the formation of parliament, high-ranking executive officials, such as the premier and cabinet ministers are elected from among the MPs. Under this system, parliament grants authority to ministers to head different ministries and it may also take back .that authority

۲. The presidential system of government is based on the principle of separation of powers. Under this system, the president or chief executive is not elected by congress. Ministers are directly appointed by the president and the legislature cannot remove them. Reciprocally, the legislature is separate and independent from the executive. Under this system, the essential and irreconcilable difference between membership in congress and membership in cabinet is that the president cannot appoint an MP to a cabinet position unless the said MP resigns from his post in .congress

In the presidential system the president is directly elected by the people, and an overlapping of functions is observed. The codification of some ordinances and bylaws is delegated to the cabinet of ministers. Nowadays, in our country an executive order is legally sufficient to undertake some social, economic and other transactions. That

is, the

p: ۱۲۶

cabinet holds a meeting, and after a series of discussions and deliberations, issues an order which it also implements. Thus, the cabinet has been authorized to enact and ratify a set of ordinances in some cases.

Meanwhile, the function of parliament is legislation and ratification of bills but it also assumes executive functions in some cases. For example, signing contracts with foreign states is an executive matter, and as a rule, the executive has to directly sign them, but because of the importance and sensitivity of this issue, observance of all precautions, prevention of any abuse, essential scrutiny of the conditions of such contracts and necessary investigations and precautions are observed by the cabinet, then deliberated upon by the legislative house and implemented only after ratification and approval by the deputies.

In conclusion, the notion of separation of powers demands that the three powers—judiciary, legislative, executive—function independently but in practice there is overlapping of functions experienced by the varying political systems in the world. Of course, the more the separation of powers is observed, the more autonomous each power will be, and the chances of abuse of power and interference in each other's functions will automatically decrease.

Session ۳۱: An Examination and Criticism of the Theory of Separation of Powers

Historical trend leading to the theory of separation of powers

The government has acquired the image of a pyramid since the beginning. Aristotle portrayed government as having three 'sides'. One side of government was allotted to the elite group of society. This section which is presently called "legislative power" was composed of those who used to ratify necessary ordinances for the political system

p: ۱۲۷

by using their intellect. The other ‘sides’ were equivalents of executive and judicial :powers called

the governors and administrators of society and (۱)

.those who rendered justice (۲)

In the past, Western political philosophers had also subscribed to the triple dimensions of government, and finally, Montesquieu identified the three branches of government, viz. legislative, judiciary and executive. For this purpose, he wrote the book The Spirit of the Laws(۱) (۱۷۴۸; trans. ۱۷۵۰) in which he elaborately discussed the structure and framework of each of these powers. His intellectual effort and new ideas popularized the theory of separation of power so much so that some have .identified him as the founder of the theory

Nowadays, the constitutions of most countries, including ours, are codified based on the theory of separation of powers, considering the independence of three powers from one another as one of the principles of democracy. Internationally, a country is considered democratic if its legislative, judicial and executive powers are independent .and no single power dominates the other two

Reasons behind the separation of powers

The functions and responsibilities of government are complex and multiple and their .۱ performance requires awareness, knowledge, experience, and expertise which is beyond the capability of one person, and necessitates division of labor and separation of powers. As such, all the functions performed by the government are classified into three. Of course, most of them belong to the executive branch. For example, taking command of war and defense affairs, attending to deprived

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Charles de Montesquieu, The Spirit of the Laws (Cambridge: Cambridge University -۱ Press, ۱۹۸۸). An electronic text of the book is available online at http://socserv۲.socsci.mcmaster.ca/~econ/ugcm/۳ll۳/montesquieu/spiritofl... [۱۳].

[.Trans]

members of society, administering training, education, health and medical affairs pertain to executive power. In fact, judiciary engages only in rendering justice and the legislature in lawmaking. Attending to the needs of society are among the responsibilities of the executive.

In view of the extensiveness and enormity of the executive branch, it can be said that placed alongside legislative and judicial powers, executive power is one of the branches of government. However, in the pyramid of power it definitely has more 'sides' than one. At least, in the division of power in which one 'side' of the pyramid is allotted to every power, the scope and extent of executive power is far greater.

The issue to be questioned is this: Can the diversity of responsibilities of government be a sufficient justification for the division of powers and their independence from one another? The answer is that the diversity of responsibilities can only justify the separation and independence of powers. It can never be regarded as the sole reason for the separation of powers. When we examine executive power, we observe different responsibilities which are not related to one another such as war, defense, and health concerns. Yet, they are all within the scope of responsibility of the executive power. If diversity of responsibilities and functions causes the separation of powers, then we ought to have more than ten powers, each assuming a distinct set of responsibilities.

۲. The main reason and justification for the separation of powers which prompted Montesquieu to

introduce the theory of separation of powers is that man naturally or inherently tends to dominate and oppress others. If all three powers remain under the control of a person or a group, the ground for despotism and abuse of power will be much greater because a single person or group engages in legislation, adjudication and implementation of laws.

The inclination to enact laws, implement them, and adjudicate for personal benefits is greater. In view of this tendency, Montesquieu believed that in order to mitigate this power, combat despotism and abuse of power, the three powers must be separated .from are another

We realized that if the powers are separated from each other and become independent, the ground for abuse of executive power is restricted, because once the judiciary is totally autonomous, all are equal before law, none is immune from punishments, and all are obliged to respond to summons from the judiciary. The judiciary has the opportunity to summon to a court of law even the highest ranking executive officials of the country, and convict and penalize them if they are proven to .have violated laws

Similarly, if the legislative power violates the constitution and Islamic laws in some cases, the judicial power will have the chance to investigate it. In the same way, if the legislature is independent, it will not be influenced by any pressure exerted by the judiciary or executive. During the time of ratifying bills, members of the parliament can think independently and not be

.dictated by other powers

The impossibility of totally separating and delineating the powers

Political philosophy theorists opine that the realization of real democracy depends on the independence and separation of powers both in theory and practice. A political system may possibly be established on the basis of separation of powers and pretend that the three branches of government are totally independent and not influenced by the others, but in practice one power, for certain reasons, may interfere in the domain .of other powers and attempt to dominate and control them

If we examine the political systems established under the name of democracy in the world, we will find that it is rare to find a government in which the three powers are totally independent, or the judiciary and legislature are not somehow influenced by

the executive. Once the budget and facilities are at the disposal of the executive, and elections are conducted and supervised by it, chances that those who are in the executive will gain the upper hand over their rivals in multiparty elections. Maintaining power after the elections, the other branches of government will also come under .their control

For this reason, we see executive power and its high officials openly or secretly interfere in other branches of government and exert pressure on them. This is especially true in countries with a parliamentary form of government, where the high-ranking officials of executive power are also elected by parliament from

among the deputies or MPs. That is, the MPs are directly elected by the people and then through a majority vote the executive officials and ministers are elected from .among the MPs

In presidential systems, in which people directly elect the president, executive power is totally in the hands of the president. The executive also interferes and influences the legislature and judiciary. This is especially true in many countries where the constitution has granted the president the power to veto and nullify certain ratified bills of the congress and cabinet. This means that the legislature does not impose its views on the executive and control it. The members of parliament who have the legislative right sit together and ratify a bill through a majority vote after holding discussions and deliberations, but since the constitution itself grants the president this .veto power, a ratified bill of congress can be rendered null and void

I do not know any country whose three branches of government are totally independent and not under the influence of each other, and in which one branch does not somehow interfere in the affairs of other branches. As such, the separation of powers stipulated in the constitution is only on paper. In actual practice, there is no such thing as separation of powers or their independence from one another. The .executive actually overshadows the other two

In view of this interference among powers, it is worth reflecting on the real possibility of delineation of functions and scope of

p: ۱۳۲

responsibility of each of the three powers; the separation of essentially legislative issues from the executive power, and reciprocally, the separation of essentially executive issues from the legislative domain. We can see in our country as well as others that some functions of legislative nature have been entrusted to the .government, i.e. the executive

For example, within the framework of the constitution, the cabinet passes a bill and implements it as a law. Of course, the said bill also requires the approval and signature of the head of the legislature but sometimes just informing the parliament is sufficient. In some forms of government, there is no need of even that. The mere fact that executive orders and bylaws are ratified and issued by cabinet legally makes them binding and subject for execution. But even in cases where the approval and signature of the speaker is considered a requisite, that approval or signature is essentially ceremonial. In practice, whatever the cabinet ratifies or issues will be approved by the speaker of the house. Assuming that the signature of the speaker is not ceremonial in essence, with his approval will it not be considered ratified by ?members of parliament

Some issues and functions are legislative in nature but because they are urgent and need to be implemented immediately, they are included in the functions of the executive, and the constitution has granted authority to the executive to ratify them. Meanwhile, some functions are essentially executive in form but because of their vital

p: ۱۳۳

role and importance, the constitution stipulates that their implementation depends on the endorsement and approval of the legislative. For example, signing of international treaties and pacts on military and economic issues and granting of rights to foreign companies to explore and exploit ground resources have executive underpinnings,

but as stipulated by the constitution, they must be approved and ratified by the legislative body. Our point is that theoretically the total separation of functions of the legislative from the executive is an incorrect and illogical venture.

Furthermore, in various forms of government, apart from the parliament there are other parallel councils and assemblies which perform legislative functions. For example, in our country the Supreme Council of Cultural Revolution(۱) passes bills which are treated as laws.

The nature of these laws requires that they be ratified by the deputies to the Islamic Consultative Assembly (Majlis), but because of the importance of cultural issues for our political system legislation of major cultural matters must be entrusted to those who have the required expertise in formulating cultural policies and resolutions. There are also other special institutions which are considered an integral part of the executive. Their officials give decisions as law enforcers and have no legislative functions. For instance, the Supreme National Security Council and Supreme Economic Council are composed of experts who, compared to others, are more talented with profounder insight in their relevant fields and meticulously study, examine and identify the key strategic issues and make important decisions for the country.

It should

۱- Imam Khomeini issued a decree on Khordad ۲۳, ۱۳۵۹ AHS (June ۱۳, ۱۹۸۰) on the formation of the Cultural Revolution Headquarters. On Adhar ۱۹, ۱۳۶۳ AHS (December ۱۰, ۱۹۸۴) he made a directive regarding the formation of the Supreme Council of the Cultural Revolution to replace the Cultural Revolution Headquarters. [Trans.]

have become clear from our discussion that total or absolute separation of the three powers, especially the separation of responsibilities and functions of the executive from the legislative is theoretically onerous and practically unrealistic. In most countries, the executive openly or secretly interferes in functions of the legislature

and judiciary. Therefore, in order to limit and control this interference and meddling, .there is a need for a sort of contract and agreement

Need for an institution that coordinates and supervises the three powers

Even if absolute separation of the three powers is really possible and we can have an autonomous legislature, executive and judiciary, in terms of policymaking and administering the country we will face a serious problem splitting up the political system. It would seem as if there are three governments ruling over a given country, each of which administers a part of national affairs and whose jurisdiction has nothing .to do with that of the other two

In a nutshell, the necessity of maintaining the cohesion of its political system, a country requires the existence of an axis in the government which maintains the unity and solidarity of the system, cooperation between the three powers and supervises .the performance of each power

There is a need, therefore, for a supreme coordinating institution which can solve differences, frictions and clashes among the powers, and at the same time, be the axis of unity in society; for, a society ruled by three autonomous powers

p: ١٣٥

may not be treated as a unified society and it may willy-nilly lead to dispersion and .disunity

In a bid to solve the abovementioned problem we shall deal with the approaches .represented by Islam

Wilayah al-faqih as the unifying axis of society and the political system

In the Islamic system the best way of solving the abovementioned problems is to make sure that an infallible person occupies the highest position in the political hierarchy. Naturally, once such a person occupies the highest government post, he will serve as the pivot of unity and the coordinator of the different powers and solve

any friction, differences and discord among the powers. Moreover, being immune from any form of egoism, profit-seeking, and partisanship, he will never be under the influence of ungodly motives and intentions. (Of course, as we said earlier, the ideal form of Islamic government will only be realized during the time of an infallible Imam.

In the second and lower form of Islamic government, the person who occupies the highest government post is the most similar to the infallible Imams ('a). Apart from his possession of the required qualifications, he has the highest level of piety and sense of justice after the Infallibles ('a). That person who is to be recognized as the wali al-faqih is the pivot of unity of society and government, the coordinator of the three powers, and the observer of the performance of public servants. He is the overall guide of government and the chief policymaker.

In order for power-holders not to abuse their authority, Montesquieu and others advanced the theory

of the separation of powers which is universally accepted and effective to some extent. But it does not solve the main problem. If government officials in the three branches do not have true piety and moral integrity, corruption in society and government will also mutate and permeate the three branches of government. In this case, if we observe that the corruption in the executive branch has decreased, it is because the said branch has been limited, constituting only one of the three powers. But we should not think that corruption in the government has decreased, because it has permeated the judiciary as well as the legislature which is usually under the sway of the executive.

Therefore, the only way to prevent corruption and one power's interference and meddling in other powers' affairs is that we should lay more emphasis on piety and moral virtue. Every administrator or official who shoulders a particular set of responsibilities must have a certain degree of piety commensurate to the importance and level of his position.

Naturally, the person who occupies the highest government post is supposed to be the most pious of people, officials and administrators. Similarly, he must be preeminent in knowledge of laws and management. Thus, if there are shortcomings and deficiencies in the three powers, through the leader's lofty efforts and blessings, affairs will be set right and problems will gradually be solved. As an example, throughout the twenty years(۱) of existence of the Islamic government in our country, we have

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[.It is almost three decades now. [Trans -۱

witnessed and do witness the vital, pivotal and enlightening role of the Supreme .Leader

Session ۳۲: The Exigency of Elucidating the Ideological Position of the Islamic System

Different levels of understanding the Islamic government

point

In previous discussions we described the structure of the Islamic system and described the Islamic government as a pyramid having at its top a person who is directly or indirectly designated and appointed by God. This idea is advanced in political philosophy as a theory, but to prove that this idea is indeed the theory of Islam and the best one that can be presented about governance and the macrocosmic management of Islamic society, requires meticulous academic study and examination. There are relevant questions which the experts and fuqaha must answer after conducting extensive academic research. These questions can be .answered on three levels

General understanding .۱

Sometimes, in order to know their responsibilities and duties people refer to an expert or specialist who can answer their questions and specify their responsibilities

according to his knowledge. For example, laities refer to maraji'at-taqlid [sources of emulation], asking them questions and requesting them to determine their practical responsibilities in religion. It is also like the referral to the experts of every field. For example, patients consult their physicians and ask for medicine that will cure them. People refer to a civil engineer for their house design and plans. In these cases, general and practical answers are given and there will be no mention of the intellectual basis of an answer. Actually, the product and extract of extensive scientific .efforts, ijtihad and assiduous investigations are presented to people

Evidently, our society already

has a general knowledge of the Islamic government because of the establishment of the Islamic system in our country. Perhaps, prior to the victory of the Islamic Revolution, there might had been people here and there who were unaware of the Islamic government or the theory of wilayah al-faqih and who needed to be informed. But now no one asks about the realization and establishment of the Islamic government. Of course, it does not mean that the notion of Islamic government does not need any elaborate, comprehensive and complete explanation. Rather, the point is that the theory of wilayah al-faqih and the Islamic government has already been settled and clarified to our society so much so that even opponents and foreigners are .aware of it although they sternly oppose Islam and the Islamic Revolution

Our people who have discerned the truthfulness of our system faithfully defend the great achievements of the Islamic Revolution, i.e. the Islamic government or the wilayah al-faqih system, and will continue to do so in future. While facing the enemies of the Islamic Revolution and system, these people chant the slogan "Death to the anti-wilayah al-faqih" [marg bar dhidd-e wilayat-e faqih] as a political symbol and emblem of opposition to the opponents of wilayah al-faqih. They even chant it as a supplication and form of worship in political and religious gatherings as well as in .mosques

Apart from a general reply to the question on the Islamic government and wilayah al-

faqih, there are two other levels

p: ١٣٩

of examining it. One is the high level of academic and jurisprudential examination of the theory of wilayah al-faqih for the experts and authorities. The other is an average level for the students and researchers.

٢. Specialized and technical understanding

An accurate, scientific, intensive or academic study of the subject of Islamic government and wilayah al-faqih shall be done by those who occupy a high academic standing, by utilizing their utmost knowledge, talent, means and time. For example, the doctoral student who wants to write his dissertation on the Islamic government or one of its branches must have a comprehensive and intensive knowledge of the subject. He must take into account all its aspects, spend many years studying and examining it, refer to authentic and reliable authorities, consult professors specialized in the field and entertain their suggestions in order to present his arguments, so that his dissertation is approved.

An endeavor similar to this extensive academic research, is also being conducted in our religious seminaries. Those taking advanced studies [bahth al-kharij] to obtain the license to exercise ijtihad sometimes conduct a thorough study and examination of a specific and seemingly simple subject, reading tens of books and consulting and discussing with fuqaha and scholars, so that they can finally express their expert opinion. In all theoretical discussions on beliefs, ethics, secondary laws, social, political and international issues, meticulous, comprehensive and intensive studies are conducted by authorities in order to preserve the richness, loftiness and dynamism

p: ١۴٠

of the Islamic culture. It must be noted, however, that this level of examination of the Islamic government or wilayah al-faqih is neither necessary nor useful for the public.

٣. Average understanding

While dealing with the average level of understanding we will neither present a general answer on the Islamic government as a rector [mufti] or marja' at-taqlid answers a question [istifta'] and explains an issue in his treatise on the practical laws of Islam [risalah al-'amaliyyah], nor approach the issue in an academic and elaborate manner which requires many years of research, studies and reading of many reference books. Our aim is to give the different strata of society an average awareness and understanding so that they can counter the objections raised by .enemies and opponents and confront conspiracies and threats

Culturally, the present state of affairs in our society is like that of a society facing a contagious disease like plague, and are on the verge of being afflicted with an epidemic. In combating this disease or plague it is not enough to give only a single piece of advice or only an expert's opinion in the newspapers or other media. Through constant reminders as well as necessary and sufficient admonitions, the level of awareness of the masses should be elevated to attain a healthy cultural condition to combat a social plague. Besides admonition, holding seminars, roundtable conferences, sufficient explanations and information drives must be held so that the .people are fully informed of the ever looming threats

Now, I

would like to present the average understanding with information about the Islamic government and wilayah al-faqih because I feel that our new generation does not have sufficient information about the issues of the Islamic Revolution including the issue of wilayah al-faqih which is the main pillar of this system, and wicked whisperers .have led them to the verge of deviation and misguidance

Our future inheritors of this revolution need to become aware of these issues and not be afflicted with cultural plagues and satanic mischief. I am offering average level discussions to pave the necessary social and cultural ground to improve their insight and certainty on the theory of wilayah al-faqih to enable them to struggle and resist deviant eclectic ideas prevalent in society today. Also, if someone asks them about

their acceptance of the Islamic government and the exigency of wilayah al-faqih, they can answer and defend their beliefs. If they are asked questions that require a thorough study and more profound knowledge, they must refer them to the concerned authorities. With this aim in mind, I have divided this series of discussion .into two parts, viz. (۱) legislation and (۲) statecraft

A review of the characteristics of law and its necessity

:The first part of the discussions came to the following conclusions

Man in his social life is in need of law because life devoid of law means chaos, (۱) disorder and savagery, and leads to the collapse of human values—something which .cannot be denied by any intelligent person

According to Islam, any (۲)

p: ۱۴۲

law considered for the social life of man must ensure his material and spiritual interests. Some philosophers have asserted that no law can cover both worldly and otherworldly issues. A political system must be either world-oriented whose only pursuit is to ensure worldly and material interests, or otherworld-oriented that should not interfere in worldly interests and material needs. This criticism is the most ignominious of all those ever expressed against the Islamic political system. Unfortunately, some of those who hold government posts misguide others by .employing a grandiloquent style while criticizing our political system

The bedrock of Islamic thought is that life in this world is a prelude to life in the hereafter and what we do in this world can be a source of our eternal felicity or endless perdition in the hereafter. Religion is essentially meant to lay down a set of programs and plans for this worldly life which ensure comfort and prosperity in this .world besides guaranteeing eternal bliss in the otherworld

By following the set of programs received by the prophets ('a) from God for the guidance of mankind, man's success in both worlds is guaranteed. In view of the

clarity and self-evident nature of these points, it is surprising that those who have enough knowledge of the Qur'anic verses and traditions and cannot be regarded as ignorant, spitefully close their eyes to the truth and introduce in their talks issues and matters related to the world as separate from those related to the hereafter.

p: ۱۴۳

They say, Religious affairs and otherworldly interests are dealt with only in the temples, churches and mosques. Also, social and worldly problems can only be solved by the human mind and experience, and religion cannot and should not play any role in them! This satanic assertion of Muslims who say they know the fundamentals of religion is against the essential principles of all revealed religions, Islam in particular.

(۳) The third preliminary point is that it is incumbent upon human beings to secure their material interests through acquired experience, use of intellect, skills and various sciences, but they can not secure their spiritual and otherworldly interests(۱) because they do not have any spontaneous knowledge of their spiritual and otherworldly interests. Man does not know what is useful for his eternal felicity in the other world simply because he has no experience of life in the hereafter. Neither can he benefit from the experience of others as no one has any experience of the hereafter. As such, he cannot find the way to a blissful life in the hereafter on his own.

Keeping in view what has been said, it is clear that worldly and otherworldly interests can only be identified by God and those who are endowed with divine knowledge, and the law that emanates from God the Exalted, must be implemented in society to secure worldly, otherworldly and spiritual interests.

Another review of the qualities of the implementers of Islamic laws

During the "legislation" part of the discussion, we enumerated

p: ۱۴۴

۱- Of course, worldly interests can be secured only by securing the otherworldly interests. Without benefiting from the divine ordinances and revelation, man could not

.be able to secure his material interests

three main qualities that a person with divine connections must possess, if his main duty is implementation of the law which guarantees worldly and otherworldly .interests

First condition or qualification: The implementer of law and any Islamic ruler, in general, must know the law. Of course, there are different degrees and levels of knowledge and learning, the ideal one being impeccable knowledge of divine laws. He who possesses this quality and attains this station is an infallible person who does not err in his gnosis, perception and discernment and knows the law revealed by God perfectly. Naturally, in the presence of such a person, i.e. an Infallible, his sovereignty over society becomes indispensable and exigent. But in the absence of the Infallibles, the government and the implementation of laws shall be delegated to the person who .knows the laws better than anyone

Second condition or qualification: The implementer of law should not be influenced by personal or factional interests, whims and caprice. In other words, he must have moral integrity. Like intellectual competence, moral integrity also has different degrees and the ideal degree can be found in an infallible person who is never influenced by ungodly motives, threats and temptations. He will never sacrifice collective interests before the altar of personal, familial or factional interests. Of course, in the absence of the Infallibles, the person who is morally nearest to them .has the right to rule and implement law

Third condition or qualification: The possession of managerial skill and talent to

apply general laws to specific cases. He is supposed to know their various applications and how to implement them so that the spirit of law and purpose of legislation are preserved. Of course, to reach this degree of managerial skill requires specific experiences and wisdom that a person acquires throughout his life of management. The highest level of this quality is also possessed by the Infallibles. They are immune

from any error in knowledge and understanding of divine laws, not influenced by carnal desires, and possess special divine blessings. They do not deviate or err in .discerning what is good for society while applying general laws to particular cases

Theoretical connection of Islamic government with ideological principles and foundations

It will be easier for a person to believe in the truthfulness of the Islamic political system who acknowledges that human society must have law that ensures both material and spiritual interests of human beings, and is convinced of the qualifications of Islamic rulers and administrators. Of course, the acceptance of these preliminaries is itself based upon certain presumptions. First and foremost, man has to accept that there is God and that a prophet has been commissioned by God to expound divine .laws

He has to equally accept that beyond this life man has an eternal life in the hereafter, and life in this world and the other have a causal relationship. These presumptions are ,the essence of the subject of our discussions. Their proofs are included in theology

scholasticism and philosophy. One cannot deal with each of them in a social, legal and .political discourse as it would take many years before one arrives at a conclusion

Our addressees are Muslims who believe in God, religion, revelation, the Day of Resurrection, apostleship, and the infallibility of the Prophet (s), and who want to know whether Islam has a distinct political system or not. They are not those who deny God, or say that man can demonstrate and chant a slogan against God! They do not reject the religion and laws of Islam or say that even the Prophet might have .committed an error in understanding the revelation

Similarly, others who oppose us in principle are not the focus of our present discourse. If they are open to dialogue and willing to listen, we must discuss our ideological principles by means of rational and philosophical proofs, and persuade them to believe that there is God and the Day of Judgment; that God has revealed ordinances

for the felicity and prosperity of mankind in this world and the hereafter; obliged His Apostle (s) to convey them to His servants; also, the Apostle (s) is immune from committing error in understanding the revelation; otherwise, he could not have been .a prophet

Can any intelligent person accept another person on top of the hierarchy of power notwithstanding the presence of a person who is infallible in knowledge and action and the best one to identify what is good for society? Everybody knows that

preferring the inferior to the superior in optional affairs is shameful and indecent, and no intelligent person accepts it. Our talk is not meant for those who claim to be Muslims but deny the existence of a ma'sum, believing that neither the Apostle nor the Imams have been infallible. We have no business with them. My assumption is that we all accept the thematic principles of the discussion and acknowledge that the .Apostle (s) is ma'sum and according to Shi'ah beliefs the Imams ('a) are also infallible

Now, assuming that a ma'sum is present in society, should the government and the implementation of law be entrusted to a fallible person? Delegation of the affairs to a non-ma'sum is tantamount to allowing error in understanding law. Permitting what is not supposed to be permitted [tajwiz] means that one prefers his interests to that of society, sacrificing the latter before the altar of the former. Tajwiz means that one who has no competence in managing society becomes the ruler! All of these forms of .tajwiz are condemnable and rejected by reason

Therefore, in the presence of a ma'sum no intelligent person will ever deny that it is expedient for the ma'sum to rule, and to choose another person instead of him is an irrational and foolish act. No one has any qualms in accepting this proposition. Reason dictates it and we do not need to cite Qur'anic verses and traditions to prove it, (indicating that it is obligatory to obey the Apostle (s

:and the Imams (‘a), such as these

(يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللّهَ وَأَطِيعُوا الرَّسُولَ وَأُوْلِی الأَمْرِ مِنكُمْ...)

O you who have faith! Obey Allah and obey the Apostle and those vested with“ authority among you...”(۱) and

(مَّنْ يُطِعِ الرَّسُولَ فَقَدْ أَطَاعَ اللّهَ...)

(Whoever obeys the Apostle certainly obeys Allah...”(۲“

Logical and rational basis of Islamic government’s linear degrees

In connection with the exigency of the rule of a ma‘sum when he is present and accessible, our argument is rationally acceptable. But our main concern is to present the Islamic viewpoint for the period of occultation of Imam al-Mahdi (‘a) when the people are deprived of his presence and have no access to him to benefit from his government. We are also concerned with the period when a ma‘sum was present but the oppressive powers deprived him of ruling over the Muslims, or the social .circumstances were not conducive for him to assume political power

For any post or position, certain conditions and qualifications are laid down. The one who possesses all the qualifications is chosen. If such a person cannot be found, the one who possesses most of these qualifications is chosen. Let us cite another example. If you know a doctor who has thirty years of medical experience, but you consult a young doctor who has recently opened a clinic, and he aggravates your condition instead of curing you, will you not be condemned by both reason and the ?reasonable

They will ask you why you left the proficient and consulted the inefficient. You could be excused if the proficient

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.Surah an-Nisa’ ۴:۵۹ -۱

.Surah an-Nisa’ ۴:۸۰ -۲

doctor was demanding a huge amount as medical fee, or you had to travel abroad in order to be treated by a specialized doctor and could not afford it. But our assumption is that you had access to a proficient and specialized doctor and the medical fee he was demanding was less than the rest, or the same. In this case, if you consulted a neophyte doctor and your health condition got worse, you will not be excused by the .reasonable. Everybody will reproach and criticize you

The above rational rule is applicable in all social affairs and acceptable to all reasonable people, Muslims and non-Muslims. Its support is the dictate of reason and needless of religious proof. According to this rule, if the ideal form of Islamic government which is rationally also the best form of government is not possible and we have no access to an infallible person with the most knowledge, piety and skill, what will be the dictate and verdict of reason? Will our reason give us freedom to do ?whatever we like and choose anyone we like as the ruler

Or, will our reason demand that in case of the unavailability of an infallible person who is the ideal one to rule, we have to choose the most competent person who is the most proximate to the station of the Infallibles? If the perfect grade is not available, we have to choose the grade of ۹۹, ۹۸, ۹۷, so on and so forth. Once the

perfect grade is unobtainable, all other grades should not be treated identically and count ۹۹ as equal to ۱ on the pretext that our target being the ideal was not available, .so it made no difference whom we chose! Undoubtedly, reason will not accept it

We have to look for the person who is competent to rule over the Muslims and who is nearest to the Infallibles in knowledge, piety and managerial skill. This rational proposition can easily be grasped and understood by every intelligent person and .there is no need to substantiate it with intricate juristic and theological proofs

Presenting some questions regarding Islamic government

There are other questions regarding Islamic government which must also be addressed. Has Islam, only laid down the conditions and qualifications of the person who heads the government and not specified the form of government? That is, does Islam only recommend who must head the government and leave other things including the form of government to the whims of people and change according to the

?changes in social circumstances

A more technical question which is comprehendible and understandable to those who are acquainted with juristic and legal discourses is this: Is the government a foundational [ta'sisi] or conventional [imdha'i] matter? A set of Islamic laws or juristic rulings is foundational. Before their actual forms are shown to the people, the sacred religion mentions these laws as well as describes their actual manifestations. For .example, the ritual prayer [salah] is a foundational form of worship

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p: ١٥١

religion of Islam has mentioned it and the manner of performing it has also been demonstrated to the people by God through the Prophet (s). Besides, before this obligatory act and the manner of its performance were conveyed to the people, no one had been aware of it. In general, the forms and manners of all ritual acts of .(worship are foundational as the people learned them from the Prophet (s

For example, obligatory acts like fasting, Hajj pilgrimage and other devotional laws .are all foundational

In contrast to these foundational laws of Islam, there is a set of Islamic laws which in the parlance of jurisprudence [fiqh] is called 'conventional'. That is, in their social interactions and intercourses, people have formulated a series of rules, regulations, contracts, and agreements, some of which are unwritten but people are bound to .them; for example, trade and barter

At the beginning the sacred religion had not ordered the people to engage in trade or

barter whenever they needed a commodity. The people of wisdom knew of the necessity of this affair and they formulated the ways and manners of engaging in them. Then, religion approved this wise practice and gave it a religious credence, :stating, for example

(وَأَحَلَّ اللّهُ الْبَيْعَ...)

(Allah has allowed trade."(١)"

God allowed and made permissible [halal] the same trading and transactions practiced by people. This approval and permission of trade is a conventional [imdha'i] and not a foundational [ta'sisi] religious ruling. It is like the acceptance of a

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١- Surah al-Baqarah ٢:٢٧٥. [Trans.]

.system formulated by people of wisdom on how to conduct their mutual transactions

Now, this question is raised concerning government: Before God ordered people through the prophets ('a) to abide by the divine government, had the people themselves founded a particular form of government which was later endorsed by religion? Or, did people also acquire knowledge of the form of government from God, and that if the prophets ('a) had not ruled over people by God's leave and permission and people were not obliged to follow and obey them, they would not have known the ?form of government

In sum, once we say that the Islamic government is a well defined system with a religious legal standing and God has made it incumbent upon people to submit to it, the question asked is whether this government has been ordained and founded by God? Or, did the people themselves choose this form of government and found it on the basis of a social contract and God only endorsed and approved it, and therefore, this government has been considered Islamic as it has been endorsed, approved and ?sanctioned by God

Session ۳۳: Islam and Different Forms of Government

Skepticism on Islam's alleged lack of government planning and program

During the last session we dealt with a question related to the form of government—Has Islam specified a form of government or delegated it to the people? If it has specified the form, is it confined to a specific period or can be applied at all times to all ?places? Or, does it constantly change with the change in social circumstances

p: ۱۵۳

Some say: "It is true that during the time of the Holy Prophet (s) there was a specific .form of Islamic government, but it was related to that period only

The sacred religion specified that form of government only for the time of the Prophet, and thereafter new forms had to be chosen. It is even possible that at a given period, social conditions will demand the establishment of an Islamic government within the framework of a liberal democratic government, since these two forms do not contradict each other. Just as we have applied some Western modes of implementation—for example, the parliamentary system, constitutionalism(۱) and now republicanism and believe both are not against Islam—it is possible that a time will come when we will accept the liberal democratic model and "?!come to believe that it is not repugnant to Islam

In reply to the above, it is necessary to point out the ambiguity and erroneous thinking surrounding it. As we all know, the Islamic Republic was established in our country by the great architect of the Islamic Revolution, His Eminence Imam Khomeini (q) and at its very inception, the Constitution was drafted and ratified by the people and approved by the Imam. Similarly, with his approval the foundation of the government was laid down and in the course of time some changes were also made in some of its parts. It is clear that neither the structure of our system is rooted in the time of the Holy Prophet (s) nor

p: ۱۵۴

It refers to the Constitutional Movement, Constitutional Revolution or simply - ۱ [.Constitutionalism (۱۹۰۵-۱۱) in Iran during the twilight of the Qajar dynasty. [Trans

a system with the Islamic characteristics established during the period of the .(Commander of the Faithful ('a

The separation of powers existed neither during the time of the Prophet (s) nor that of the Commander of the Faithful ('a) but the principle of the separation of powers has been accepted in our constitution, and the governments has three branches—executive, legislative and judiciary. Under this system the person who occupies the highest government post and formulates the general policies is the Supreme Leader. Next to him is the President. The chief justice heads the judiciary and the Speaker of .the Islamic Consultative Assembly heads the legislature

They are recognized as the highest officials after the Supreme Leader and the President. Twenty years after the Revolution, the Constitution has undergone some amendments related to the structure of some branches of government. In the beginning, the prime minister used to be the chief executive and form the cabinet subject for approval by the President and Islamic Consultative Assembly. After an amendment of the Constitution, premiership was omitted and the President became the chief executive. This structure has no precedence in Islam and Islam has no specific decree or program in this regard. So, one cannot claim that Islam explicitly ordered people to vote and elect their president and also play their role in choosing .the heads of other powers

Some people think that the reason behind what we have said is that Islam has not specified any form of government. So, we should acknowledge that

Islam has delegated this affair to the people who have the right to choose the form of their government as well as their legal code. Similarly, other affairs of the government are relegated to the people. Therefore, the contention that the government must be determined by God is in conflict with people's political self-determination, and there is

contradiction between what is being practiced and the claim that the government .must be determined by God

Even the notion of “Islamic republic” is self-contradictory, because “republicanism” means that people take control of government and determine its form. On the other hand, once we add the modifier “Islamic” to the “republic” and say that the wali al-faqih must head the government especially if we believe that wilayah al-faqih acquires legitimacy from God and the Imam of the Time (may Allah expedite his .glorious advent), we regard the system as divine and not popular

That is, the legitimacy of this system is acquired from above. Initially, God gives legitimacy to the government and then the Prophet (s) and the infallible Imams (‘a) are designated and granted legitimacy by God and then the wali al-faqih by the living infallible Imam (‘a) and the political organs under his authority are granted legitimacy. If the government is a republic, these issues should no longer be raised, and .whatever the people have chosen should be granted official status

Refuting the abovementioned skepticism and stating the Islamic viewpoint on the form of government

Unfortunately, this skepticism is reflected in our own newspapers and magazines and presents the Islamic government in Iran as self-contradictory and

p: ۱۵۶

religious despotism. As such, we need to tackle these issues lucidly and examine their .bases from the Islamic viewpoint

Once we say that our system is an “Islamic republic”, does ‘Islamic’ mean that the form and structure of government have been determined by God and introduced in the Qur’an, traditions, and at least, in the conduct of the Holy Prophet (s) and the pure Imams (‘a)? If the Islamic nature of the system does not imply that its structure has been introduced by God—just as pieces of evidence show—then what is the criterion ?for the Islamic nature of the system

No one claims that Islam has mentioned the specified form and structure of government. It is not claimed in the Qur'an and traditions, the conduct of the Infallibles, the words of the late Imam (q), the Supreme Leader and other leaders of the system that the Islamic government is a government whose structure and hierarchy of power have been determined by God and the leaders of religion, and that Islam, for example, has ordered that the wali al-faqih must be the highest authority and then the president, and that the three powers must be separated from one another. So, if its organizational structure and the separation of powers are not .Islamic, the Islamic nature must be sought somewhere else

The impossibility of presenting a fixed government structure

At this point the skeptics say: Is the non-specification of the structure and form of government not an indication of Islam's shortcoming? Is Islam not a complete religion and has it not indicated

p: ۱۵۷

all the individual and social needs of man? Then, why has it not specified the form of ?government

In reply, we have to say that Islam, which administered a small society within a short period during the time of the Prophet of Islam (s) also wants to administer the most complex and extensive human societies and even a global government, so, it cannot present a specific and fixed structure of government. The government founded by the Prophet (s) controlled a population of about ten thousand people whose way of life and culture were simple and most of whom were nomads and villagers along the .suburbs of Medina

Naturally, the government had a simple and restricted structure consistent with the social fabric and demographic density of that time. Gradually, the domain of Muslim countries and territories expanded and during the periods of the caliphs including the time of the Commander of the Faithful ('a) only half a century after the advent of Islam, the Islamic government encompassed countries like Iran, Egypt, Iraq, Syria,

Hijaz, and Yemen. In view of the expansion of the territories under the control of Islam, it was not feasible to adopt the same form of government of the Holy Prophet .(s) in Medina

If the structure and form of government suitable for vast Islamic territories and large populations had been introduced by the Messenger of Allah (s), it would have been treated by the people during his time as unnecessary and overambitious. Besides, since there was no

p: ۱۵۸

practical ground for its realization, it would have been considered an exercise in .futility

If the Prophet (s) tried to determine in advance a specific form of government for every period, it would have required the writing of an encyclopedia of hypothetical forms of government in various periods and an explanation of their organizational structure. However, at that time since literate people were very few, let alone scholars who could discern these points and distinguish one from another, there was neither opportunity to deal with the subject nor the capability to preserve, publish and .propagate it

Government structures constantly change and evolve according to the circumstance of time and place as well as socio-cultural developments. One cannot determine a single form of government applicable for all times, places and conditions. The structure of government is part of the alterable and secondary laws of Islam that change according to the circumstances of time and place.(۱) To identify and present them has been part of the duties of the Master of Affairs of Muslims [wali al-amr al-muslimin]. During the presence of an infallible Imam, he is the wali al-amr al-muslimin. During this period of occultation [ghaybah], his deputies shall be regarded as the wali .al-amr al-muslimin

Therefore, it was unfeasible for Islam to have specified beforehand the form of government suitable for every period and place. It is not an indication of Islam's

shortcoming. Yes, if Islam had not introduced a general framework for determining the forms of government under different conditions, we

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Contrary to the alterable laws of Islam are the inalterable laws that are fixed for all -۱ .times and applicable everywhere

might have admitted that Islam is defective in this respect. Fortunately, Islam has set a way to determine the structure of government, in particular, and the alterable laws, .in general

As stated in the "legislation" part of the discussions, to determine and present alterable laws suitable to changing circumstances of time and place is part of the duties of the wali al-amr al-muslimin who presents those laws including the structure of government by basing them on the general principles and values of Islam, considering changing interests in every period and consulting experts and authorities. Thereafter, people are bound to act upon them. Given this solution offered by Islam, the people are saved from destruction and confusion, and differences and discord .removed

Skepticism on alleged temporal and worldly nature of government and obsoleteness of Islamic laws

Nowadays, those who are under the influence of Western culture, liberalism in particular, believe that administrative issues are temporal and worldly and have nothing to do with Islam, staunchly supporting and advocating it in their articles, speeches and discussions. They argue that Islam talks neither about a republican government, nor about a monarchical government, nor about other forms of government. So, it is clear that administrative issues are not among the issues that we expect religion to have dealt with and that God and the Prophet (s) might have talked about. Rather, these issues are related to the world and people themselves have to .decide about them

They also say: “People must determine not only the form and structure of government but even enact laws, except those laws that

are against Islamic standards!” We ask them: "If administrative issues are part of the temporal and worldly affairs and relegated to people, why have many laws and decrees about administrative issues like those related to judiciary, taxation and penal laws been mentioned in the Qur’an and mutawatir(۱) traditions?" This poses an impasse for them.

In a bid to bypass and evade this impasse, they assert that the administrative ordinances, judicial and penal laws mentioned in the traditions and Qur’anic verses have been related to the early period of Islam to meet the needs of the time. Islam had to get involved in administrative issues and introduce relevant laws only during the early period of Islam and the time of the Holy Prophet (s) because the people at that time did not have sufficient knowledge and capability to codify the laws they needed, and Islam had to address their needs.

Hence, laws and ordinances about the government, politics and judgment applicable only to that period have been mentioned in the Qur’an and traditions. Today, mankind has sufficient knowledge and capability to administer society and codify the laws they need, so those laws and ordinances are of no use anymore and must be discarded!

This is a contention of many of those feigning Islam. Sometimes, they categorically say: “The laws of Islam—including its social laws—have been confined to the early period of Islam. They are not applicable to our period and have not been revealed for this period at all.” At times, they make

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۱- A mutawatir hadith is one which has been reported by so many different chains of transmission and such a number of narrators in every generation normally could not agree to fabricate a tradition without the fact of its fabrication becoming known.

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the abovementioned claim implicitly. Since they cannot dare to explicitly question all the social laws of Islam, they raise objection to some penal laws of Islam such as the .amputation of the hand of a thief

They say: "The law of amputation of the hand of a thief is meant to prevent theft which is a violation of the property of others and to maintain the financial security of society. If we have a better law and method of maintaining security in society, we have to apply them and not amputate the hand of a thief in every period or age. The purpose or goal of every law promulgated in Islam is the maintenance of order in society, and during that time there was no way of maintaining order in society but to amputate the hand of a thief. But nowadays we have better ways and methods of .achieving this goal that are devoid of violence and do not trample upon human dignity

Apart from being violent and harsh, amputating the hand of a thief is repugnant to human dignity and must be discarded. We live at a time when the phenomenon called "modernity" has emerged and social conditions have changed. Since modern life and society have new conditions totally different from the social conditions at the time of the Prophet (s) and the Imams ('a), there is no more room for the implementation of .Islamic laws

Initially, they argued that Islam had not specified the form of government but delegated

.it to people

Then, assuming that the determination of the form of government has been delegated to people, they concluded that in cases where Islam does not have a specific law, codification of law has been delegated to people. Thereafter, they went even further and said, "Even in cases where Islam has a pertinent law, it can be .abrogated and changed!" Undoubtedly, in this case one must bid farewell to Islam

Refutation of the above and the connection between Islam's immutable and alterable laws

We have stated concisely that apart from immutable laws, Islam also has alterable laws because the laws of Islam are generally consistent with real good and evil and the life of man in the world depends on changing circumstances. The government also has secondary and alterable laws. To determine their form and framework in every period, to codify administrative laws and identify their suitability to the exigencies of time has been delegated to the wali al-faqih, who acts upon his duty within the .framework and general principles of Islam

It must be noted that to know the immutable and alterable laws of Islam and distinguish them from one another can only be done by a religious scholar who is technically called faqih or mujtahid. Since he is familiar with the spirit and sources of Islam, viz. the Book, Sunnah and conduct of the Prophet (s) and the infallible Imams ('a), he can distinguish the immutable laws from the alterable laws and identify the .characteristic features of each

The mere fact that there are alterable laws in Islam does not necessarily

p: ۱۶۳

mean that one can claim that all laws of Islam are alterable. If all the laws, ordinances and decrees of Islam were alterable, nothing specified in Islam would have remained. If all laws and decrees of Islam were mutable and Islam did not have any inalterable law at all, why did we stage a revolution, demand the implementation of Islamic laws ?and offer hundreds of thousands of martyrs along this way

During the time of the Shah, by launching a reform and some changes the demands of the people could have been addressed and the ground for people's enactment of laws be opened. If that is Islam and its changing laws are enacted according to the views and opinions of people, then we had no point in staging a revolution. We should have followed the nationalists and secured the interests of society according to their views. In that case, we would not have incurred all these losses! By following the nationalists

liberal democracy, we could have conducted peaceful and fair elections. Through general suffrage, we could have sent our deputies to the taghuti Majlis and they could have changed unpopular laws according to the demand of people and their constituents! This is the gist of contentions inspired by alien ideas expressed today in some of those periodicals which are funded by our public treasury!

Some use allegory to influence the youth who do not have sufficient knowledge. For example, they say: "The Islamic government is a mere claim and has no objective

reality because Islam deals with neither republicanism nor the separation of powers. Since Islam does not say anything about them, it is clear that Islam has no political program at all and everything is delegated to the people."

Here we are dealing with those who believe in Islam, God, revelation, and the Qur'an, and not to those who play with the Islamic government, regarding it as an illusion. Addressing those who believe that there is God who has sent the Prophet (s) and revealed the Qur'an for our guidance, we would like to say that the Qur'an has explicitly mentioned laws, ordinances and decrees that are fixed, inalterable and immutable. Moreover, Islam and the Qur'an have repeatedly emphasized that they must not be changed and modified. Among them are the judicial laws of Islam.

Some issues are necessary and obligatory but they are mentioned in the Qur'an and traditions in plain and simple manner. Other issues, however, including judgment according to the laws and decrees of Islam, are emphasized and mentioned in such a manner that would make a person tremble should he intend to disobey or violate them. Somewhere in the Qur'an, God commands the Prophet (s) to judge according to the divine decree:

(إِنَّا أَنزَلْنَا إِلَيْکَ الْکِتَابَ بِالْحَقِّ لِتَحْکُمَ بَيْنَ النَّاسِ بِمَا أَرَاکَ اللّهُ...)

"Indeed We have sent down to you the Book with the truth, so that you may judge between the people by what Allah has shown you…" (۱)

Elsewhere, He mentions the duty of Muslims vis-à-vis the decree

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.Surah an-Nisa’ ۴:۱۰۵ -۱

:and verdict of the Messenger of Allah (s) and the need to obey him, saying

(فَلاَ وَرَبِّکَ لاَ یُؤْمِنُونَ حَتَّی یُحَکِّمُوکَ فِیمَا شَجَرَ بَیْنَهُمْ ثُمَّ لاَ یَجِدُوا فِی أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَیْتَ وَیُسَلِّمُوا تَسْلِیمًا)

But no, by your Lord! They will not believe until they make you a judge in their“ disputes, then do not find within their hearts any dissent to your verdict and submit in (full submission.”(۱

As you can observe, God the Exalted, by using the phrase “but no, by your Lord” [fala wa rabbuka] which is an oath, considers as faithful [mu’min] only those who consult no one but the Prophet (s) in their disputes, differences and conflicts. But if they do not refer to the Prophet (s) to resolve their disputes and conflicts nor ask him to judge over them, or, if the Prophet (s) issues a fair judgment concerning their conflict, they .regret asking him and are not pleased with his verdict, they are not faithful

So, the faithful have to choose the Prophet (s) to judge and adjudicate and if he issues a decree against their interests they should not have an iota of displeasure in their hearts. They are supposed to totally submit to the Messenger of Allah (s). Those who acknowledge Muhammad (s) as a messenger of Allah but do not accept his decree and judgment, according to the statement of God, have no faith in the laws of God .and the apostleship of the Prophet (s). They are indeed liars and hypocrites

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.Surah an-Nisa’ ۴:۶۵ -۱

How can a person believe in the apostleship of the Prophet (s) without accepting his ?decree and judgment

Elsewhere in the Qur’an, in consecutive verses God introduces a person who judges contrary to the divine decree as transgressor, unbeliever and wrongdoer:

(...وَ مَنْ لَمْ يَحْكُمْ بِما أَنْزَلَ اللّهُ فَأُولئِکَ هُمُ الْکافِرُونَ)

“Those who do not judge by what Allah has sent down—it is they who are the faithless.”(1)

(...وَ مَنْ لَمْ يَحْكُمْ بِما أَنْزَلَ اللّهُ فَأُولئِکَ هُمُ الظّالِمُونَ)

“Those who do not judge by what Allah has sent down—it is they who are the wrongdoers.”(2)

(...وَ مَنْ لَمْ يَحْكُمْ بِما أَنْزَلَ اللّهُ فَأُولئِکَ هُمُ الْفاسِقُونَ)

“Those who do not judge by what Allah has sent down—it is they who are the transgressors.”(3)

Will anyone who reads these verses of the Qur’an with such a tone ever think that the judicial laws of Islam are only related to the time of the Prophet (s) and a maximum of twenty years thereafter, and after the expansion of Muslim territories and the annexation of Iran, Egypt and other countries, those laws were no longer applicable and were entrusted to the people? Will anyone who reads these and other verses of the Qur’an arrive at this conclusion? Or, will he conclude that those verses mean that under no circumstances of time and place should the divine decree be trampled upon?

By noticing the tone of the verses any rational and fair-minded person who has faith in God and believes in those verses as truly God’s words will definitely realize that it must be

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۱- Surah al-Ma’idah ۵:۴۴.

۲- Surah al-Ma’idah ۵:۴۵.

۳- Surah al-Ma’idah ۵:۴۷.

acted upon till the Day of Resurrection and that the laws of God must be the focus of attention and action and not be violated:

(وَمَن يَتَعَدَّ حُدُودَ اللّهِ فَأُوْلَئِکَ هُمُ الظَّالِمُونَ...)

"...And whoever transgresses the bounds of Allah—it is they who are the wrongdoers."(1)

Moreover, if some verses are ambiguous, it is the task of the religious scholar to determine whether their purport is confined to a particular time or meant for all times; whether it is limited to a particular community like the Arabs of the Arab Peninsula or encompasses all communities.

With the purpose of avoiding submission to the laws and decrees of Islam, satisfy their carnal desires and satanic demands and misguide the young generation, the transgressors allege that the sociopolitical laws of Islam are related to the early period of Islam and thereafter they are no longer applicable. It is true that we have chosen the label "Islamic Republic" but the Islam in it is only ceremonial. It is the people who choose and abide by what law they like, unless it is absolutely against divine decree! Unfortunately, some people have also unexpectedly expressed the same notion in their articles and speeches.

Divine laws' jurisdiction encompasses all spheres of human activities

Thus, it is clear that the non-specification of the exact form of government in Islam does not mean that government, laws and ordinances are generally related to the judicial, legislative and executive powers and that other powers, to be possibly discussed in political philosophy theories in

1- Surah al-Baqarah ۲:۲۲۹.

future, are all delegated to the people and God has no view about them. Rather, in all

spheres of personal and social actions, including the realm of politics and governance, .God has laws and ordinances

We cannot find a case about which Islam does not have a general decree. To elucidate, some of the laws we know of are obligatory or mandatory, that must be acted upon. On the contrary, there are laws, prohibiting certain actions and items we know of, that must be abandoned. The rest are permissible, and laws pertaining to them are not mandatory. These non-mandatory laws are recommendatory [mustahabb], abominable [makruh] and permissible [mubah]. So, explicit actions and items are considered obligatory [wajib], prohibited [haram], mustahabb, makruh, or .mubah. In any case, all of them are parts of the decree of God

Therefore, if an action is neither mandatory nor forbidden, neither recommended nor abominable, the action of man is free. In the parlance of traditions it is absolute and free. In the jargon of the fuqaha, it is mubah, and mubah is also part of religious laws and divine decree. So, in the individual and social issues one cannot find a case which is excluded from the decree of God for every action or thing belongs to one of the five laws (wajib, haram, mustahabb, makruh, and mubah). Of course, in the legal and political usage, mustahabb and makruh have moral dimension and are not tackled as legal issues which are either wajib that must be

.observed, or haram that must be avoided, or mubah

A concluding question: If we accept that Islam has a view about the essence of government, for example, stating the specific qualifications of the person heading the Islamic government, has Islam delegated to the people those affairs and issues about which it has no opinion, and that the decision about them is not related to the sacred religion, and the general understanding and perception of the people concerning ?them must be upheld

At this juncture, even those who are acquainted with the juristic subjects of Islam to some extent sometimes use dubious expressions that can be exploited by others. For

example, they say: “We learn from religion some of the issues in our lives and concerning them we refer to the Book, traditions and even the conduct of the Holy Prophet (s) and pure Imams (‘a). But regarding other issues we use our reason. In reality, we have two reference sources in knowing the proper way of living, viz. revelation and reason.” This nonchalant interpretation is sometimes adopted by those who are authorities and really religious people. Since it is not devoid of problems and .causes others to err, I deem it fitting to assess it

:It is necessary to note that we have two terms for religious or divine decree

The first term, religious decree—or devotional and divine decree—refers to the.١ decree inferred from the Book and the Sunnah and is mentioned in the Qur’an and ,traditions as binding. According to this term

p: ١٧٠

any decree deduced through another way, say, by means of reason, is not referred to as “religious decree” but it is called “dictate of reason” [hukm-e ‘aql]. If reason directly discerns a decree or ruling [hukm] and is convinced of it, and at the same time, religion says something about it, this religious view is an instructive [irshadi] statement and does not entail a religious or devotional decree. To elaborate, without external help our reason directly discerns certain things. For example, every person can understand and perceive that justice is good and injustice is bad. No one doubts this dictate of reason. Then, once justice is enjoined in a Qur’anic verse, according to the fuqaha this verse is considered “instructive” in nature. That is, it only guides and .directs us to a decree which our reason can understand and discern

The fuqaha’s use of this term for religious decree misguides others and makes them think that we are not in need of a religious decree for all the aspects and issues of our lives. In some issues the discernment and dictate of reason is sufficient. They think that if God does not say anything about a thing, He has not exercised His authority over it and delegated it to reason [to discern]. So, the domain of our lives is divided into two: The first section is where God exercises His authority and the second section is where our reason is the authority. This implies that God does not exercise authority

in

p: ۱۷۱

all places, and in everyplace we should not be concerned with what God has decreed. In fact, wherever God does not say anything, it is up to us to know His decree by using .our reason

As can be observed, some have exploited and misinterpreted the first term for religious decree and the nonchalant expression of the fuqaha on the basis of which religious decree is regarded as any devotional decree mentioned in the Book and Sunnah in contradistinction to the definite dictate of reason about which religion does not say anything, and in determining its ruling our reason is not dependent on religion which only offers an instructive decree. They have assumed that some aspects of our lives are beyond the authority of God and the reference authority in codifying .pertinent laws is human reason

The second term 'instructive' concerns the legislative will of God; that is, whatever .۲ God wants from us is in the obligatory or permissible form. So, whatever God definitely wants us to do is a decree of God. Sometimes, it is expressed in the Book, the Sunnah and other religious sources. At times, it is realized through reason. Accordingly, reason itself is one of the means of knowing and discovering the decree .of God

As such, we submit and follow the dictate of reason. By means of reason's discovery of the divine legislative will, we realize that this decree is the very thing that God wants from us. If it is mentioned in fiqh that

p: ۱۷۲

apart from the Book and Sunnah, we have another means of knowing religious decrees, i.e. reason, it is absolutely true that reason is also a means of discerning the .decree of God

In view of this interpretation and term for religious decree, all the actions and

activities of man in individual, social, legal, judicial, internal and external, and international domains are included in the decree of God. Sometimes, the decree of God is established by the Book and Sunnah, and at times, through reason. Of course, the proof of reason must be so clear and definite that we can be certain that .whatever is established by reason is the decree and legislative will of God

Session ۳۴: The Position of Islamic Laws and Our System's Superiority over Other Systems

Connection of the immutable laws of Islam with government structure and alterable laws

As said earlier, people argue that laws and ordinances needed by our society must be enacted and ratified in the legislative assembly. If we only rely on those mentioned in Islamic texts such as the Book and Sunnah, the needs of society can never be met. Considering that in the Islamic republican system laws are ratified by the Majlis deputies—based on the system observed in other democratic countries—why do we insist on calling our system "Islamic government" and introducing the laws ratified in ?"the Majlis as "Islamic laws

There is no doubt that in every country the people's representatives act according to the culture dominant there and respect the values of society while ratifying laws. As a matter of course, in our country whose people are Muslims and dominated by a particular culture and

values, the Majlis deputies more or less observe the religious culture and values. But in any case, the process of legislation in our country is the process observed in democratic countries. Therefore, what is the need of saying that our government is ?Islamic and that Islamic laws are implemented in our country

As we have said, the reply to this objection is that laws of Islam are divided into two: (۱) immutable laws and (۲) alterable laws that also change according to the circumstances of time and place. With changes and transformation in human societies and the emergence of diverse conditions in time and place, there is no change in the

immutable laws of Islam. Their form and substance remains immutable and fixed. They must be acted upon under all circumstances at all times. Now, if in ratifying the current laws of the country the inalterable laws of Islam are not observed and the ratified laws are against the laws and decrees of Islam, those laws are not Islamic .even if they are unanimously ratified by people's deputies

Any law that is against Islam has no legitimacy and legal standing. In fact, it cannot be regarded as a law at all. As stipulated in Article ۴ of the constitution of our country, all laws and ordinances of the Islamic country must be consistent with Islamic laws and .standards. If a ratified bill is against religious principles, it shall have no legal value

Therefore, the immutable laws of Islam that have

been mentioned in the Qur'an, and mutawatir, authentic traditions, must be observed and no sort of change or abrogation can affect them. Meanwhile, we have a set of alterable laws that are determined by the competent authority according to the needs .and conditions of time and place

In today's culture the alterable laws are known as statutory laws that are enacted and ratified in legislative organs, but in Islamic culture and juristic parlance alterable laws are the same administrative laws whose enactment and ratification are within the discretion of the wali al-faqih who may enact and implement special ordinances consistent with the changing needs of society. At least, the ratified ordinances to be .implemented must be endorsed and approved by him

Of course, sometimes the wali al-faqih directly enacts laws and ordinances and at times these laws are ratified by different experts in the advisory body of the wali al-amr al-muslimin after sufficient study and deliberation. In any case, according to Islam, the credibility of statutory laws and ordinances lies in the permission and .approval of the wali al-amr al-muslimin; otherwise, they are not binding at all

The wali al-amr al-muslimin or any other legislative authority has no right to enact

statutory laws and ordinances according to their personal whims by neglecting the general principles, standards and values of Islam. In other words, statutory laws and alterable ordinances must be codified and ratified within the framework of general immutable laws and decrees of Islam by the faqih or expert in religious

p: ۱۷۵

.and juristic questions who has the ability to apply them to particular cases

Since it is a difficult task, it is stipulated in the Constitution of the Islamic Republic of Iran that the bills ratified by the Islamic Consultative Assembly must finally be approved by the Council of Guardians which is composed of outstanding jurists and legal experts to see to it that those laws and ordinances ratified by the Majlis are not .against Islamic standards

Primary and secondary laws and the secondary laws' alleged conflict with Islam

Some people imagine that temporary administrative decrees and laws enacted according to certain circumstances of time and place are in some cases against the laws of Islam. It is because people always tend to consider only primary laws as the divine laws of Islam, without knowing that the secondary laws enacted for special conditions are also treated as religious laws. Islam also has a set of other laws that are called "secondary laws" and related to emergency cases and special conditions. Some of these secondary laws are also mentioned in the Book and Sunnah while others are mentioned in other religious sources. To enact them is under the discretion .of the wali al-amr al-muslimin

For example, it is obligatory upon us to perform ablution [wudhu] before saying our prayers. If bathing [ghusl] is wajib for us before prayer, then we have to perform ghusl. The obligatory nature of wudhu and ghusl is part of the primary laws for common situations when our bodies

p: ۱۷۶

are physically sound and water is not harmful for us and there is available water. But

under exceptional situations when, because of ailment, we cannot perform ablution as water is harmful to our health, or we have no access to water, to perform dry ablution [tayammum] shall become wajib in lieu of wudhu and ghusl as a secondary law. For this reason, it is said that if you have no access to water or if water is harmful to your health, tayammum is regarded as the emergency substitute of wudhu and .ghusl

Once the primary laws and also the secondary laws which are likewise called "emergency laws" are mentioned in the Qur'an and traditions, we cannot observe any difference between them because in practice, the subject of the primary law, like wudhu and ghusl, is one who has access to water and to whose health water is not harmful, while the subject of the secondary law, like tayammum, is one who has no access to water and to whose health water is harmful. As such, some people are .commanded to perform ablution and others are commanded to perform dry ablution

In some cases, however, opposite to the primary laws are special laws that are suitable to exceptional and emergency situations and not particularly mentioned by religion. Here, it is said that primary laws must be implemented unless they cause hardship and embarrassment because Islam does not want the servants of God to undergo intolerable hardship and embarrassment in discharging their

:obligations

(...وَ مَا جَعَلَ اللهُ عَلَيكُم فِی الدِّينِ مِنْ حَرَجٍ...)

"and has not placed for you any obstacle in the religion."(1)

(...يُرِيدُ اللّهُ بِكُمُ الْيُسْرَ وَلاَ يُرِيدُ بِكُمُ الْعُسْرَ...)

"Allah desires ease for you, and He does not desire hardship for you."(2)

The noteworthy point is that in some cases emergency laws and their substitution of primary laws are mentioned in religion and in other cases other emergency or

secondary laws are not mentioned. But it is at the discretion of the wali al-amr al-muslimin to determine the obligation of the people if certain primary laws cannot be implemented and their implementation brings about unbearable hardship and embarrassment. So, what the wali al-faqih announces according to Islamic standards are secondary laws of Islam, because Islam has enjoined him to determine the obligation and duty of people in case of hardship and embarrassment because of .which the implementation of certain primary laws can be suspended

Thus, since they are only acquainted with the primary laws of Islam, when the wali al-amr al-muslimin or the legislature of the Islamic government approves a law contrary to primary laws, some people claim that such a law is against Islam. The fact is that the said law is neither against Islam nor religious laws. It is rather contrary to primary laws of Islam as it is part of the secondary laws. Indisputably, the secondary laws are .also considered part of Islamic laws

As stipulated by Islam, a traveler is not supposed to fast but a resident or non-traveler must fast.

۱- ۲۲:۷۸ Surah al-Hajj.
۲- ۲:۱۸۵ Surah al-Baqarah.

No one regards the non-fasting of a traveler as against the commandment of Islam because Islam itself has explicitly ordained that a traveler or sick person must not fast. Similarly, regarding social, civil, judicial, and commercial laws, if acting upon pertinent primary laws brings about unbearable hardship and embarrassment for the people, the implementation of those laws shall be suspended. According to special rules and regulations, the wali al-amr al-muslimin will enact a new law or decree consistent with the demands of time and place. Definitely, the said secondary law is not against Islam. It can be contrary to primary laws of Islam but Islam includes both .primary and secondary laws

In view of new needs that consistently emerge in Islamic society as a result of

changing social conditions—such as the expansion of roads, or the need to administer a city and keep its cleanliness and beautification, or the need for a water and sewage system, electric supply and others which did not exist before—and because of the complexity of social conditions, population explosion and other socio-environmental factors, those needs can no longer be met by the people alone as they are not like the needs of past societies which could be met by people themselves. So, special .ordinances must be enacted by the concerned authorities

Our point is that these ordinances are not without basis and they are not formulated purposelessly according to personal whims. In fact, these secondary laws and ordinances must be within the framework of the

general laws of Islam. It makes no difference whether these secondary laws indicate preference of what is more important over what is important, or their enactment depends on the demands of time and place. In our system this part of secondary laws is usually ratified in the Islamic Consultative Assembly with the endorsement and approval of the wali al-faqih. Hence, such laws are not outside Islamic laws because either they are ratified through a decree of the wali al-amr al-muslimin or they are codified according to special rules and regulations like "hardship and embarrassment" .['usr wa haraj], "no harm" and other tenets [qawa'id] in jurisprudence

As such, on the mere pretext that in the Islamic government some temporary ordinances and alterable laws are not mentioned in the Book and Sunnah, one cannot discard the Book and Sunnah and enact laws according to the will and dictates of the people. The immutable laws of Islam must definitely be implemented and alterable laws should also be enacted by the wali al-faqih or those who are granted authority .by him within the framework of primary laws and general decrees

Shortcomings of the democratic systems

As we have said before, the government structure is like a pyramid with three sloping sides, viz. (١) legislative power, (٢) executive power (٣) and judicial power. This

pyramid-like of the government gained currency since the time of Montesquieu who .raised the theory of separation of powers

,Up to the present

p: ۱۸۰

government has three branches but it does not necessarily mean that the same arrangement has to continue in future. Due to new advancements or the emergence of new social conditions, there may be a change in the structure of government. For example, additional branches of government might be created that will in turn make the government structure quadruple or perhaps pentagonal. Yet, it must be noted that the basic rule and principle in our system is that all powers that constitute .government structure meet on top of the pyramid

That is, once we liken the government structure which is composed of different powers and chains of command to a pyramid, the more we go down in each of its sides, the more we will find the powers decentralized and dispersed. At the base of the pyramid we will observe considerably huge, vast and multiple government departments. But as we gradually go up, the powers and structures of government become more centralized and integrated until finally all these powers meet on top of .the pyramid and these dispersed and multiple powers attain unity and clarity

In the pyramid of power, the three sides of powers gradually meet at the top, and that point is the spot of conjunction and union of all powers. So to speak, the discretion of the powers and branches of government join together and it is from there that they are divided and scattered on different sides—executive, legislative and judiciary—and each power has its own hierarchy of

p: ۱۸۱

.power or chain of command

Exigency of the powers' coordinating agency

It is true that a government system is composed of the three powers—executive, legislative and judicial—but they must be linked to each other. Since all of them constitute a single government apparatus, there must be a coordinating agency or unifying factor among them. Because of the absence of this unifying factor in many democratic systems in the world, the lack of coordination can be noticed which sometimes even leads to a national crisis. With the aim of avoiding such crises, certain measures have been conceived in some systems. One of these measures is the .granting of veto power to the president

For example, the legislature has the right to enact and ratify laws, and according to its function, the members of the congress ratify a bill after extensive debate and deliberation. Then, the said bill is approved by the members of the senate. However, as the president has the right to veto and suspend bills ratified by parliament, he may veto a ratified bill and suspend its implementation even if it be for a limited time. If legislation were the right of the legislative and the executive had no right to interfere in the affairs of the legislative, how would the executive veto a bill ratified by the legislative and suspend its implementation? So, a total separation of powers is not practical. There is always a sort of overlapping of functions between the legislative .and executive

Similarly, because of the absence of the coordinating agency and

p: ۱۸۲

unifying factor, in some countries there are sometimes tensions among the three powers as an outcome of political differences among parties. It sometimes leads to a point where the country is deprived of any government or cabinet and thus practically paralyzed. For example, a government or cabinet is formed and granted authority but .after a while it is dissolved by the parliament and thus collapses

It is also possible that for a certain period, a new government or cabinet cannot be formed because the one who aspires to become the prime minister and form the government cannot garner the majority vote in parliament. In the parliamentary systems, the ruling party that can form a government is that which has absolute

majority of seats in the parliament or can garner the majority vote through an alliance .with other parties

Recently one of our neighboring countries had no government or cabinet for sometime because the one nominated for premiership could not garner the majority vote of the MPs. The MP's also attend to the current affairs of the country but whenever the prime minister and his deputies are temporarily appointed, the natural tendency is that they do not take their work seriously. A country whose officials are tardy and careless for a period of six months, for instance, will obviously incur great .losses

In some political systems, the president has the right to temporarily dissolve the parliament in special circumstances. Thus, executive power openly interferes and ,even dissolves the legislature. No doubt

such interferences lead to tension, discord and even intense crises. The reason behind it is that either the preeminent and influential factor to prevent such crises has not been premeditated in the laws of those systems, or the premeditated factor is not that effective. For example, in some systems the presidency is regarded as a mere ceremonial position and has not the executive power. At times, when the country is facing a crisis, it is he who gives stability by resolving the crisis. Actually, he .demonstrates his role and function only during a crisis

The coordination of powers in the wilayah al–faqih system

In current systems in the world measures have been taken to save the country from a crisis as a result of interference in one another's affairs, but none of these measures or solutions is sufficient, and the problem or difficulty remains as before. However, in the wilayah al-faqih system—which is unfortunately presented as reactionary by some biased writers—such situations have been taken into account. Whenever the country faces a crisis, he guides the nation, solves the crisis with prudence and .astuteness, and does not allow the country to plunge into perdition

Like other countries, we also have executive power headed by the president and judicial and legislative powers which are separate from each other. But they are powers of the same system and join together on top of the political pyramid. All these powers converge at one point. The central and main point of the system at the top of the pyramid is

p: ۱۸۴

.the wali al-faqih who unifies all the powers and brings them together

In contrast to other systems which either do not have the coordinating agency or unifying factor, or if there is any it is very weak and feeble, in the wilayah al-faqih system the three powers are under the leadership and supervision of the focal point of the system, viz. the wali al-faqih. He is also the protector of the Constitution. He sees to it that Islamic laws, values, objectives and ideals of the Revolution are not violated. He also serves as the coordinating agency between the three powers, inviting all to camaraderie, unity, amity, and understanding. If the country happens to face any serious tensions, he eases them and saves the country from the brink of .disaster

In the course of more than twenty years after the victory of the Islamic Revolution,(۱) whether during the time of the eminent Imam (q) or that of the Supreme Leader (may Allah prolong his sublime presence), in numerous cases the country experienced intense crises caused by particular disputes and tensions that willy-nilly happened in society. If it were not because of the sagacious management of the Leader, our country would have succumbed to crises that countries like Turkey, Pakistan, Bangladesh, and Afghanistan are experiencing today. Fortunately, by the grace of the presence of this holy personality and position, and the love and affectionate .relationship between him and the people, such crises were undermined

p: ۱۸۵

۱- Now, it is almost ۳۰ years after victory of the Islamic Revolution. [Trans.]

The wilayah al-faqih system's superiority over other systems

point

By comparing the Islamic system of our country to the democratic systems in the world that are presently known as the most advanced government systems, it is :worth enumerating the distinctions of the Islamic systems

Internal cohesion .١

The first distinction of our system is its internal cohesion. We have shown a sample of the internal contradictions of those systems, saying that no power is supposed to interfere in another's affairs but in actuality we do not know of any system in which the three powers are totally independent and do not interfere in one another's affairs, and in which the law has not sanctioned a certain extent of interference in one another's affairs, not to mention the illegal interferences, violations and pressures .exerted by one power over another

We can actually observe one branch of the government enjoying authority and exerting pressure on others. Once the military and disciplinary forces, economic and financial means, and the budget of a nation are at the disposal of the executive, in practice all instruments of pressure are at its disposal, and whenever the chief .executive wants, he can abuse his power

So, a sort of internal contradiction can be observed in the democratic systems in the world. In our system, however, that contradiction does not exist in spite of the fact that the three powers are separate from one another and each of them has independent discretions. It is because in our system there is the coordinating and unifying element called the wali al-faqih who, by virtue

of his authority over the three branches of government, coordinates and brings them .together

As the pivot of the system, he prevents the emergence of any crisis. We have even

witnessed how in many instances the Supreme Leader has prevented the emergence of tension among officials of the three powers. Whenever there was a crisis, the chief executive officially asked him to solve it by exercising the power vested in him, which he did. The wali al-faqih is directly not the head of any of the three powers but he designates the head of each of these powers and in the expression of the constitution, he confirms [tanfidh] the vote of the people. By virtue of his confirmation or designation, the position and function of each of the heads of the three powers .acquire legitimacy and official status

Internal and external executive guarantee .۲

The second distinction of our system is the internal and external executive guarantee that exists in the people. This internal executive guarantee arises from the sense of religious responsibility in observing laws and ordinances of this Islamic state. Such an internal guarantee or control does not exist in other systems. In almost all other systems laws are imposed upon the people by force and violence. Whenever people sense more freedom and less control over them, they avoid being subjected to the .laws

It can be heard frequently that some people talk about the observance of law and order in European countries. They claim, for instance, that

in Western or European countries the people spontaneously and instinctively act upon laws and ordinances and pay taxes. This outward discipline and order is due to an advanced system of control which compels people to observe laws and pay taxes. .Because of it, only a few can violate laws

The system of tax collection there, because of many centuries of experience especially in the last half century has a complex, yet accurate, mechanism. On this basis, taxes are collected from people in different ways and the masses willingly pay their taxes. However, by collaborating with national officials and establishing .connection with power-holders, giant companies are trying to evade paying taxes

At this point, I deem it necessary to tell those who are infatuated with the West that their talk about order, discipline and high-level culture is nothing but empty rhetoric and far from the truth. For example, it is claimed that in Western countries drivers observe traffic rules faithfully and maintain exemplary order and discipline. This claim .is not true. I will mention an instance that refutes this claim

I was invited to deliver a speech at the University of Philadelphia in the United States. In order to see the cities and towns along the way, I took a car from New York to Philadelphia. Along the way, I noticed that the car driver used to place a devise in front and remove it after a while. He repeated it many times. This incited my sense of curiosity and I asked

.him about the utility of the devise

He said that in America the speed limit was ۹۰ miles per hour. In order to detect any violation the police had installed radar along the highways. Since the traffic and speed of vehicles is monitored by radar the devise in question is used to undermine it. This devise can easily be sold and bought in the market. Knowing this, policemen are stationed along the highways to stop and fine drivers who, by using the devise undermine the police radar, and drive beyond the speed limit. As such, by installing the said devise they can drive at whatever speed they like. Whenever they approach !a policeman, they hide it, and install it again afterwards

You can see that in order to circumvent the rules and render futile the law-enforcers' monitoring devise, they invented a counter-devise which was sold abundantly in the open market. Yet, we imagine that the Americans have such a progressive culture that they willingly and cheerfully obey ordinances and maintain order and discipline. Criminal cases reportedly happening there everyday have a long story. An acquaintance who returned to Iran after many years of residence in America said that there was no high school in America without armed policemen. Yet, every now and then we witness killing in those schools. For example, an armed student recently shot his classmates and teacher, killing them! This is an example of order and discipline in

!that country

The main factor that prompts people in the West to

p: ١٨٩

abide by law is an external factor—fear of fine, imprisonment or physical punishment. If they were not only afraid of this deterrence and could render ineffective the monitoring devise of law-enforcers, most of them would not hesitate to violate laws. In the Islamic system, however, apart from this external deterring factor which exists, there is a more important factor which if cultivated among people has great potential to solve social problems. It is the internal deterrence which makes people .obey ordinances and laws

This factor stems from faith in the necessity of abiding by laws and ordinances of the Islamic state. In reality, people regard obedience to laws as part of their religious duties. If the Islamic system or state had not established and the Imam as leader and source of emulation [marja' at-taqlid] had not declare obedience to laws of the Islamic state as religiously obligatory, people would have obeyed the laws only in .order to be immune from physical punishment or fine

Nowadays, in obedience to the wali al-amr al-muslimin the religious and revolutionary people of Iran act upon the laws and ordinances of the state although, in certain cases, they know that those laws are not in their favor. This internal executive guarantee which stems from the faith of people and is a very important and valuable factor in persuading people to abide by the laws exists in our society and we do not .fully comprehend its value

This factor makes people consider laws of the Islamic state

p: ١٩٠

as laws of God and obeying them as pleasing to Him, and thus, having a sense of religious and divine responsibility they follow them and regard their violation a sin. Of course, we do not deny that there are also cases of law violation in our system but

compared to the cases of obedience to laws these violations are insignificant. If the percentage of violations was greater than that of obedience, there could no longer be .progress and the system would disintegrate

The Leader possessing the highest degree of piety and merit .۳

The third distinction of our system in comparison to other systems is that the Supreme Leader must possess the highest level of piety, moral integrity, and personal standing because he is the deputy of the Prophet (s) and the Imam of the Time ('a). The people recognize him as the manifestation and embodiment of the personality of the Imam of the Time ('a). As such, they also extend to him their love and affection for the Prophet (s) and the Imam of the Time (may Allah, the Exalted, expedite his .(glorious advent

If the Supreme Leader, who holds the highest post and exercises all political powers, commits a violation or sin that leads to debauchery and injustice, he shall be automatically dismissed from the station of wilayah over the Muslims, and there will be no need for a court hearing or trial to prove the offense, just dismissal. The fact that he commits

an offense, God forbid, makes him lose his justice and stand dismissed. The only function of the Assembly of Experts is to declare his incompetence because his !dismissal results from his losing his sense of justice

There is no political system in the world in which the high-ranking officials have the moral integrity that the Leader in our system has. In fact, the leaders of some countries are openly involved in moral corruption and sin. For instance, in the U.S. of America, one of the so-called greatest, civilized and progressive countries of the world, the president was accused of moral and sexual corruption.(۱) Certain witnesses bore testimony to his debauchery and offense and he himself made a confession. However, when the issue of his impeachment was brought up in Congress and then .moved to the Senate, a majority of Senators acquitted him of the charge

Thus, he remained in power as president until the end of his term and no problem emerged thereafter.(۲) All people of the world knew that he committed adultery and perjury but due to the political collaboration of some Senators the required number of votes to impeach the president was not reached, and that embodiment of moral corruption remained in his position! There are many similar cases about senior officials who openly violated their own laws and were even convicted in a court, but remained in their posts thanks to their political connections. They have also been .elected for another term sometimes

According to Islam if the

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۱ - It alludes to the sexual scandal involving ex-US president William Jefferson "Bill" Clinton and Monica Lewinsky, a former White House intern. The US House of Representatives approved two articles of impeachment against Bill Clinton on December ۱۹, ۱۹۹۸, making him only the second president in US history to be impeached. Article I accuses him of perjury in his grand jury testimony about his relationship with Lewinsky while Article III accuses him of obstruction of justice and witness tampering. The US Senate began an impeachment trial against him on the two articles approved by the House of Representatives, but on February ۱۲, ۱۹۹۹, the Senate acquitted him of the charges against him. The Associated Press, December ۱۹, [.۱۹۹۸. [Trans

۲ - It is worthy of note that throughout the controversy, polls showed that a large majority of Americans thought the president was doing a good job and that he should [.not be impeached or removed from office. [Trans

Leader lacks even a single qualification and commits an offense, he is dismissed from his post because by committing a major sin he falls from justice and becomes a transgressor. Hence, he is not competent to lead the Muslims. There is no more need for any trial or the vote of the Assembly of Experts to prove his offense. No system in the world has shown such severity with respect to national officials, especially the .highest official, i.e. the Leader

Observance of the spiritual and real interests of human beings .۴

Finally, one of the most important distinctions of our system is the observance of the real interests of human beings. As Muslims we believe that God knows best the interests of human beings, and we want those interests to be realized in society. This important pursuit cannot succeed except by acting upon religious laws and decrees. On this earth, it is only the Islamic Republic of Iran whose constitution (Article ۴) has stipulated that all current laws and ordinances of the country should be ratified and implemented on the basis of Islamic standards. If a law or ratified bill is against the general principles of religion, it is of no legal value. Therefore, the only country whose .laws guarantee the real interests of human beings is our country

Everybody knows that this system achieved and accomplished its goals because of the sacrifices of our people and the blood of martyrs especially that of the Tir ۷ martyrs.(۱) By sacrificing their lives and offering their valuable blood to the Revolution, they gave us

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It refers to the bomb explosion at the Islamic Republican Party Headquarters - ۱ perpetrated by the hypocrites on Tir ۷, ۱۳۶۰ AHS (June ۲۸, ۱۹۸۱) where the first Judiciary Chief Dr. Ayatullah Sayyid Muhammad Husayn Beheshti and ۷۱ other [.members of the judiciary, thinkers, writers, and revolutionary figures were. [Trans

honor, nobility and lofty values. We must be vigilant not to ungratefully lose those values. Today, hands are at work to besmirch the essence of Islam, wilayah al-faqih, the system, and the Islamic principles because these values are like thorns in their flesh. They have been trying their best to destroy them, and render them a blow, .using all their ability, skill and artfulness

Sometimes, they question the essence of Islam and Islamic laws in their speeches and newspapers with wide circulation, saying: "Today, it is no longer the time for us to talk about wajib and haram. We have to set the people free to decide for themselves and elect what they like!" They also dare to insult wilayah al-faqih. Had the high

cultural officials not been highly tolerant, they would be legally prosecuted and .punished. But these officials are not taking necessary action

It is here that as revolutionary Muslims and followers of the Imam and the Supreme Leader, we have the duty to identify these impudent and insolent elements and not allow the sacred religion of Islam, Shi'ism and values that are the means of our felicity in this world and the next to be sold at a meager and miserable price in the trade fair of deceitful politicians and identity-less culture effacers, and this would bring nothing to us but ignominy, disgrace and the curse of God, the Apostle (s), the angels and the .future generations. Let it not be

Session ۳۵: The Connection between Freedom, State and Laws

The alleged incompatibility of an appointed ruler with freedom and democracy

In the previous discussions we have said

that just as the law must be enacted either by God Himself or by His leave and permission, the implementer of law must be determined either by God Himself or by His leave and permission. In any case, the government system—constituted by the executive, legislative and judicial powers—must be anchored in divine permission .otherwise it will not be legitimate from the religious point of view

Elsewhere in the previous discussions, whether in the field of legislation or execution of laws, we refuted certain skeptical objections. One of them is that if we believe that the implementer of laws must be determined either by God Himself or by His permission, we actually deprive the people of what God has ordered and determined, i.e., their legal right of electing a ruler from among themselves. This is inconsistent .with the spirit of democracy and populism

At the outset, I shall deal with freedom and then embark on explaining the manner of .establishing the Islamic government and implementing Islamic laws

Examining intrinsic freedom and negating the theory of predetermination

While discussing freedom we come across the term “intrinsic freedom” [al-huriyyah al-takwiniyyah] in contradistinction to predetermination [jabr]. Since time immemorial, thinkers in the world have a difference of opinion on whether man is autonomous or compelled. A group argues that man is under compulsion and has no free will in this life and to imagine that he performs an action using his own discretion is nothing but an illusion. In reality, he is compelled and the actions he apparently does are out of compulsion and

.pressure; otherwise, he himself would never perform such actions

The theory of predetermination has exponents throughout history. Some Muslim scholars incline towards this theory. Among the Islamic schools of thought, Asha‘irah (Ash‘arism), which is among the scholastic schools of the Ahl as-Sunnah, upholds the theory of predetermination.(۱) However, it is not as extreme and passionate. According to our view and that of the majority of Muslims, this belief is rejected in the domain of (personal) opinion and outlook as well as in the domain of action and deed. If mere predetermination rules over man, there is no point in having moral and .educational systems or the Day of Ressurection

In the domain of ethics and education, if man is compelled to do a good or bad action, he must not be praised, lauded and rewarded for the good deed nor punished and reprimanded for an evil deed. If the child is compelled to act in a certain way, there is no point in training an already programmed robot, and all educational systems must be abandoned. Only if man is autonomous to perform or abandon a certain action is it .worthwhile to admonish him to perform or abandon a certain act

This freedom and freewill in which we do believe is creational or ontological [takwini], opposed by predetermination [jabr]. It is endowed by God to man, is among the peculiarities of man and the criterion of his superiority over all creatures. Among the creatures that we know, it is only man that

For information on Asha'irah and other scholastic schools in Islam, see Murtada - ١ Mutahhari, "An Introduction to 'Ilm al-Kalam," trans. 'Ali Quli Qara'i, At-Tawhid Journal vol. ٢, no. ٢ (Rabi' ath-Thani ١۴٠۵ AH-January ١٩٨۵), available online at http://www.al-islam.org/at-tawhid/kalam.htm [١۴]. [Trans.]

has the power to choose and select, notwithstanding his diverse, and at times, contradictory inclinations. In responding to the call of his desires—whether they are bestial desires, or divine and sublime aspirations—he is totally free and autonomous.

Undoubtedly, God the Exalted, has bestowed this divine blessing on man so that he can select the right path or the wrong path freely. All the advantages that man has over other creatures including the angels are under the auspices of having the power to choose and select. If he makes use of this power correctly and chooses divine wishes instead of bestial desires, he will reach an exalted station where the angels will feel humble before him.

Man's possession of this freedom is creational. Nowadays, nobody denies it nor regards himself as totally under compulsion, having no freewill of his own. The Qur'an emphasizes this:

(وَقُلِ الْحَقُّ مِن رَّبِّكُمْ فَمَن شَاءَ فَلْيُؤْمِن وَمَن شَاء فَلْيَكْفُرْ...)

"And say, '[This is] the truth from your Lord: let anyone who wishes believe it, and let anyone who wishes disbelieve it'..."(١)

(إِنَّا هَدَيْنَاهُ السَّبِيلَ إِمَّا شَاكِرًا وَإِمَّا كَفُورًا)

"Indeed We have guided him to the way, be he grateful or ungrateful."(٢)

Hundreds of verses, nay it can be said, the entire Qur'an highlights the autonomy of man because the Qur'an is meant for the guidance of man. If man was under compulsion, and his being guided or misguided was predestined, there would be no place for guidance by choice and the Qur'an would become useless and futile. Our subject of

.Surah al-Kahf ۱۸:۲۹ -۱
.Surah al-Insan (or, ad-Dahr) ۷۶:۳ -۲

discussion is not intrinsic freedom. No one has any doubt about it and the proper place .to discuss it is in philosophy and scholastic theology [kalam], not law and politics

No contradiction between the internally value-oriented system and freedom

A subject that must be tackled here is that every man has an inner power that determines the limit and conditions of his behavior and actions. Technically, every man has a set of values. As such, every rational man believes in certain do's and don'ts in his life, believing that he must do certain actions and refrain from doing others. We do not know of any person in the world who has no set of do's and don'ts .and who does not consider actions as good or bad

The power that comprehends the do's and don'ts and has rational and moral admonitions is called the practical intellect ['aql-e 'amali] or conscience [wijdan]—possessed by all human beings since creation and has a set of seemingly uniform do's and don'ts or admonitions for all human beings. The practical intellect or conscience of every person understands that justice, trust and honesty are good and advises him to observe them. The intellect or conscience of every person regards injustice and oppression as bad and obscene and orders him not to oppress anyone, especially a weak person who is not capable of defending himself. The intellect or conscience of .every person considers lying and treachery as evil and urges him to shun them

Thus, every person has an internal power that lays the foundation

of a set of values on the basis of which all human beings consider a group of actions as good and another group as bad. Undoubtedly, in presenting this set of values and identifying this sort of do's and don'ts, the intellect or inner power of human beings is independent and is in no need of any external factor. It is this discernment that issues

.recommendations and orders

The fact that our intellect discerns what actions are good or bad points us to a set of obligations which restrict our intrinsic freedom. That is, the intellect or conscience commands us not to enjoy our liberty or freedom thoughtlessly. We may oppress others but the intellect tells us, “Don’t oppress; be kind.” We may tell a lie but the intellect commands us to be honest and not to lie. The intellect tells us: “It is true that ontologically or intrinsically you can betray a trust but do not do so.” Thus, the practical intellect or conscience is a human feature and an inner factor that limits man’s liberty. One who does not have such a force to filter his actions, do’s and don’ts, .”has no sound intellect and is called “insane

Since the do’s and don’ts, or moral obligations and restrictions issued by the conscience or practical intellect are rooted in man and his intellect or conscience, it can be regarded as being contrary to freedom. Nobody has ever said that by imposing limitations with these do’s and don’ts, the intellect or conscience

p: ١٩٩

has deprived man of freedom. In reality, by following the dictates of his intellect, which is an inner force and not imposed on him from outside, man restricts his own .liberty

These limits on liberty laid down by the dictates of the conscience or practical intellect are like the prescription of a doctor to his patient, saying: “Don’t eat so-and-so food because it will harm you and take so-and-so medicine to recover.” Instead of being annoyed, the patient gladly regards the doctor’s prescription as an instruction or guideline for actions that lead to his recovery. In fact, even here we exercise our freedom and freewill, and our intrinsic freedom is not repressed. According to some moral schools of thought, the intellect only shows the way to us and guides and leads .us to an action which has a wholesome outcome, but does not compel

Even if we believe that our intellect or conscience compels and issues a command or decree which if disregarded will cause agony. The expressions “conscience pricks” or

"guilty conscience" are common in our literature. When a person follows the dictates of his conscience, it is not said that he has been deprived of freedom. This is because the intellect or conscience is possessed by man himself. As an inner factor or force, it supervises and judges his actions, commanding him to perform certain actions and prohibiting him from others. So, when an internal factor commands us, our freedom is not curtailed, and if we act upon

the dictates of our intellect or conscience, it means that we follow our desire and freewill. Our freedom is curtailed only when an external factor bids or forbids us.

The connection between religious, obligations and freedom

The next question that arises here is: Do religious ordinances—do's and don'ts—ordained by God curtail the freedom of man? For example, one does not want to wake up early in the morning and pray, but God commands him to rise up and pray. Similarly, other ordinances mentioned in the sacred religion either command the performance of an action—like fasting, paying zakat and khums and other obligations—or forbid unlawful acts like the drinking of alcohol.

The reply is that these commandments—dos and don'ts—are like commandments and prohibitions of the intellect or conscience, and do not curtail the freedom of man if they have no executive backing. For example, religion commands me to pray but if I refuse to pray, it shall not do anything to me. It shall not punish or penalize me. Similarly, for my refusal to obey the commandment of God, society will not show any hostile reaction or reproach me.

So long as religious commandments and prohibitions are "recommendatory" in nature, my freedom is not curtailed because these enjoinments do not have any external executive guarantee, and no external element pressurizes me to do or not do a thing. However, just as we have the conscience or "attached" [muttasil] intellect that enjoins us the do's and forbids the don'ts but has no external force exacting obedience, there is also a

detached" [munfasil] intellect outside of us that bids and forbids, namely, God, who" like a Universal Intellect issues commandments and prohibitions. They are only .recommendatory and instructive in nature

The truth of the matter is that the religious commandments and prohibitions also exact obedience and are not contented with mere admonition. In fact, when God commands us to pray, He warns us of chastisement in hell if we do not pray. He has even set punishments in this world for certain abominable acts. In fact, God has even sent down heavenly chastisement on communities of some previous prophets ('a). Each apostle is sent to frighten his own people of divine chastisement by saying: "If you disobey the commandments of God, divine wrath may possibly descend upon you ".in this very world

The Qur'an repeatedly reminds Muslims of the fate of past communities [aqwam] who, on account of their disobedience and indulgence in sins, experienced God's wrath, and warns the Muslims of the same wrath that they may incur in this world or in the hereafter. The apostles were so persistent and unrelenting in warning and frightening the people of divine wrath that one of the well-known titles of all apostles :[is "warner" [nadhir or mundhir

(إِنَّا أَرْسَلْنَاكَ بِالْحَقِّ بَشِيرًا وَنَذِيرًا وَإِن مِنْ أُمَّةٍ إِلاَّ خَلاَ فِيهَا نَذِيرٌ)

Indeed We have sent you with the truth as a bearer of good news and as a warner;" (and there is not a nation but a warner has passed in it."(١

Religious commandments and prohibitions that

١- ٣٥:٢۴ (Surah Fatir (or al-Mala'ikah.

have been issued with warnings, creating fear of divine wrath in this world and the hereafter, are different from the moral and rational commandments and prohibitions

issued by the practical intellect or conscience. The former limits the freedom of man .and puts him under pressure

Now, if we accept that human beings are absolutely free, and according to the Universal Declaration of Human Rights (۱۹۴۸)—which to some intellectuals is like a revealed and holy scripture—no one has the right to limit man's liberty, has God also no right to limit our liberty?, Can God instruct and admonish man to perform his obligations, i.e. admonish him for refusing to pray, i.e. exercise his freedom?! If yes, why does God exert pressure on us, saying, "If you do evil you shall be thrown into hell in the hereafter", and frequently frighten us of His wrath just as one of the duties and ?missions of the apostles ('a) was to frighten and scare the people of divine wrath

There is no dispute among Muslims and they wholeheartedly accept that God may issue orders and commandments and set an executive guarantee for them and that the mission of the apostles ('a) was to convey the commandments and prohibitions of God and warn of divine wrath. They abide by the commandments of God although they know that those commandments set limits upon them, deprive them of some of their liberty, and exert a sort of pressure on them, because when God commands us to perform an act

p: ۲۰۳

and make disobedience punishable, we are actually subject to pressure. For Muslims .there is no doubt that God can order us to do or shun an act

But the reason and wisdom behind His issuance of commandments and prohibitions and expecting us to abide by them, must be sought in scholastic theology ['ilm al-.kalam], for we shall deal with them only briefly

Out of His infinite grace, mercy and favor, God wants human beings to attain felicity and show to them the way to salvation. Along this line, He has set certain duties and commandments so that we can identify the true path of salvation by consciously following them. Naturally, these warnings and threats prompt us to pay serious attention lest we deviate from the way leading to felicity. Were it not because of

compulsion, we would have lagged behind because of our improper conduct and indulgence in sins and wrongdoings. So, out of His grace, God wants us to keep away from abominations and indecencies by fulfilling our religious duties, and attain His .infinite and eternal mercy

Therefore, the fact is that the religion sets limits on man's liberty. The apostles ('a) were also obliged to warn people and frighten them of divine wrath and chastisement for disobeying religious ordinances. Thus, both psychological and physical pressures were exerted upon the people. Physical pressure is exerted upon a person by punishing him for committing certain crimes and offenses. Psychological pressure is exerted upon those who witness the punishment meted out to

p: ۲۰۴

offenders and criminals and are thus afraid of those punishments. It is also exerted .upon those who are frightened of divine chastisement in the hereafter

Now, let us ask those who support absolute freedom: Do you condemn these physical and psychological pressures, threats and punishments? In other words, do you say that God should not limit and pressurize the people and that He should not have sent apostles to frighten people of punishments in this world and the hereafter? Is condemning this not tantamount to the denial of Islam and all religions with divine origins? Whether we have the right to deny religion and its essentials is another .subject

Are the pressures and limitations set by God on His servants—for example, His threat of throwing them into hellfire for their sins or His order to punish some offenders right here in this world—condemnable according to him who says that man is absolutely free and that no limit or pressure should be set upon him? In this case, he has actually denied religion, the mission of the apostles ('a) and the divine laws, and at this moment, we are not dealing with such people. Our present concern is with those who accept the essence of religion, regarding Islam as the religion of truth, and believe that out of His mercy and grace God has sent the Apostle (s) for our guidance, and .thus they are grateful to Him

God has the right but He warns and threatens us of the chastisement in

the hellfire to make us tread the right and straight path and keep away from abominations out of His benevolence, grace, favor, and mercy. However, it is necessary to ask this question: Why has God the Exalted, ordered divine punishments to be implemented with respect to some criminals in this world and essentially, why has He ordained hudud and ta'zirat? We accept that God has to warn us of the chastisement in hellfire because this warning or threat of the otherworldly punishment is for our benefit and prompts us to take a step along the path of .salvation and bliss because of fear

This warning is a sort of enlightenment and God informs us of a chastisement which is not conventional and superficial but the outcome and manifestation of our evil deeds in this world. But why has He ordered one who commits a specific offense like ?adultery [zina] to be punished and embarrassed in front of people

(الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِئَةَ جَلْدَةٍ وَلاَ تَأْخُذْكُم بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ)

As for the fornicatress and the fornicator, strike each of them a hundred lashes, and" let not pity for them overcome you in Allah's law, if you believe in Allah and the Last (Day, and let their punishment be witnessed by a group of the faithful."(1

This question is concerned not only with religious but also with penal laws. All states and political systems in the world have legal

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.Surah an-Nur ۲۴:۲ -۱

and penal laws. Legal laws are concerned with those who violate the rights of others,

for example, those who take away someone else's property, physically harm or kill someone. In this case, if there is a personal plaintiff he files a case against the violator .or criminal who is fined or penalized

If the convicted has usurped the right of a person it shall be taken from him, if he has committed a crime he shall be executed or punished accordingly. But regarding all penal laws, a personal plaintiff is not necessary for the conviction and punishment of the criminal. The prosecutor or attorney-general can file a case against one who acted against the laws and interests of the country and he shall be punished if found .guilty

As far as I know, there is no political system that does not have legal and penal laws and in which the criminals are not fined or punished. In fact, the criminal is fined, imprisoned or punished in the form he deserves. Islam is not an exception to this rule. .It has legal and penal laws and has heavy punishments for certain crimes

So, the answer to the question on whether sociopolitical systems have the right to determine punishments for some violations or not, whether this policy is consistent with the freedom of man or not, is that in practice, all people give the right to social systems and states to have legal and penal laws and enact and exact certain punishments

p: ۲۰۷

for criminals. We do not know of any nation that does not have legal and penal laws, fines, prisons, and punishments for criminals, nor does anyone protest against these measures. Of course, in theoretical debates this question can be asked: Can a person ?be punished in this world and be deprived of his liberty

The existence of state and laws negates absolute freedom

If those who say that no state has the right to set penalties and impose limitations on people throw all legal systems in the world into question and must be answered. If their objection or question is concerned with Islam only, then they must be answered in a different manner. Nevertheless, since at the outset the question is generally

addressed to all legal and penal systems, all political systems including Islam, I shall .offer a general and comprehensive reply

The abovementioned objection is anchored in the principle of absolute freedom. Some people imagine that in this world man must be totally free and no limit and pressure should be imposed upon him. No one should compel or prevent him to do a certain action. This principle is illogical, wrong and unacceptable. No man has absolute, limitless and unrestricted freedom to do whatever he likes and no law restrain him. (Here, what we mean by law is not the moral and rationally independent laws, which have no guarantor of their execution. Rather, it refers to the legal laws in their general sense, whose execution is guaranteed and backed up by the (.government

,There must be laws and regulations

p: ۲۰۸

and the people must be urged to observe them. If a person violates them, he must be dealt with accordingly. If a person usurps the rights of people, he must be urged to grant them their rights. There must be traffic and driving rules, and the violators who sometimes are responsible for the deaths of many people, must be penalized and .fined

The existence of laws and regulations and their acceptance by all people everywhere throughout history bears witness to the fact that absolute freedom—no right to exert pressure on others, impose limits on them and deny some of their freedom—is unacceptable and wrong. Acceptance of the principle of absolute freedom means denial of civility and acceptance of savagery and law of the jungle. If man is really a civil creature, he must have a social system. Individuals must respect the rights of others. There must be laws and regulations. Penal laws must be taken into .consideration for violators. The government must guarantee the execution of laws

In reality, the notion of absolute freedom and the claim that no one is supposed to exert pressure on people to do or not to do a certain act, is a denial of the necessity of

the existence of government. The government, ruling system and executive power should cease to exist because they originate in the context of social laws and regulations and their duty is to guarantee and implement them. Such an idea and thinking is inconsistent with civil society, civilization, and

p: ٢٠٩

the need to observe laws. The foundation of human civilization is the acceptance of responsibility and the acknowledgment of a power whose concern is to implement laws in society, and along its performance of responsibility, the government will .certainly exert pressure on the people

The government's duty is that in case of necessity it has to urge the lawbreakers to abide by regulations and, by exerting pressure and force, penalize the violators. If mere reminders and admonitions suffice, then it is enough for the government to act as teacher and instructor, and not a ruling authority. The duty of the preachers, teachers and trainers is only to admonish and remind the people to observe social morality and human etiquette. They have no executive leverage for following their admonitions and reminders, and it is essentially not their duty to force people to .observe human dignity

But it is the government's duty to impose law on the people even by force and threat and deal with the violators accordingly. It has to fine violators, and in case they try to escape from the ambit of law, pursue and apprehend them. Therefore, the existence of government and executive power is because man does not possess absolute freedom. Absolute freedom disagrees with civilization, humanity and social life. It makes no difference whether the government is the executor of civil laws, based on .the demands of people, or the government is the executor of divine laws

The exigency of linking sovereignty with Allah

The people are servants and subjects

p: ٢١٠

of God and to exercise authority over them is the sole right of God. In accordance with His legislative Lordship [rububiyyat-e tashri‘i] and divine sovereignty, without His permission and approval no one has the right to exert pressure upon His subjects and exercise authority over them. In order for the government to be able to exert .pressure upon people, it must have the permission of their Master

But those who believe in popular democracy consider civil laws as sufficient to administer society and government as the implementing agent of the said laws saying there is no need for the law enforcer to have the permission of God. The fact that people voted for him gives him the right to implement laws and in case of necessity, .also use brute force and exert pressure upon the people

The pressure or compulsion thus exerted upon people in the enforcement of laws is not inconsistent with freedom because the people themselves have accepted the said system and its laws. This is in keeping with the dictates of their consciences to do something which we agree is not inconsistent with the freedom of man and does not deprive him of it because the said order or dictate stems from an inner force and .themselves. It belongs to them and it has not been imposed on them

Of course, there are many objections to the structure of democratic systems, their functions and prerogatives, and the justification for their legitimacy and rightfulness that have been mentioned in books

p: ۲۱۱

on political and legal philosophy. One of the objections worth mentioning is this: we do not know of any country in the world in which the people have unanimously accepted a law or unanimously elected a person or government to implement the laws. Even here, in the Islamic Republic, which is undoubtedly a unique country in the world, ۹۸.۲٪ of the people voted for the Islamic republican system and ۱.۸٪ did not vote for the .Islamic Republic, which is equivalent to more than one million people

Based on the populist and democratic systems prevailing in the world, when one million people do not vote for the political system, what right does the government

have to force them to abide by laws and ordinances? When some individuals explicitly say that they do not accept the political system, how can the government or political system, merely on account of a majority vote, have the right and legitimacy to implement, act upon and impose the laws even upon those who oppose the political ?system

The populist systems in the world and the proponents of the theory of democracy have replied to such questions. They have argued, for instance, that in a system founded on majority will, the minority who have not voted for the system have rights which must be respected. In the domain of their private actions they may act and behave as they like. We argue that this explanation is not enough. On what basis should public laws and social ordinances related

p: ۲۱۲

to the entire system be imposed upon them? On what basis should they have to pay taxes, custom fees and others? Some of them reason out that at any rate, society must be administered in a certain way, and for this purpose we do not know of any .system better than democracy or a populist government

According to Islam, however, the reply to the abovementioned question is that the right of legislation belongs to God. Accordingly, those who are designated by Him can enact law within the framework of laws and ordinances set by Him. Similarly, one who has the right to implement laws and rule over the people is he who is directly or indirectly designated by God. In this case, as vicegerent of God and one who has been chosen by the Lord of the universe to rule over people, he has the right to enforce laws even, if needed, by using brute force. He can urge the minority opposing the .system to observe the ordinances and impose the laws upon them

This theory is logical and acceptable to anyone who believes in God and His religion and is immune from rational problems that populist systems have. Of course, one who does not believe in God and His religion rejects divine sovereignty and in no way accepts it. But for people who are Muslims and believers of God, divine sovereignty is the ideal, harmonious with the conscience and intellect. As such, the paradox or

inconsistency in the theory of

democracy or populist systems, that renders them false, does not exist in the theory .of Islamic government which has perfect internal coherence

If we compare the Islamic system with the prevalent democratic and populist systems which are based solely on the people's vote, we will find out that the Islamic system, which is rooted in the permission of God, has divine origin and the support of the people, has multifaceted credibility because we do not deny the will of the people. Many institutions and offices in the Islamic Republic of Iran are formed by the vote of the people, for example, the elections for the president, Majlis deputies, members of .the Assembly of Experts, and members of the Islamic councils of cities and towns

For this reason, we contend that our system is more firm and formidable compared to the democratic and populist systems that are solely based on the will of the people as it stems from the approval of God and is supported by the people. We can confront the theoreticians of the populist system and tell them that we also uphold and respect the vote and will of people. Moreover, from the logical and rational point of view, the theory of Islamic government is superior to the theory of the populist system. As we have said, the democratic system does not possess internal cohesion as well as a logical and rationally correct justification, and it is marred by contradictions. The theory of wilayah al-faqih, on the other

.hand, is logical and rationally firm and tenable. No contradiction exists in it

Some pseudo-intellectuals ask why God, by means of commissioning the apostles, revealing the Book and other holy scriptures, and enacting penal laws like hudud and ta'zirat, amputation of hand, fine and other penalties, deprives people of freedom, prohibiting them from doing whatever they like by exerting pressure on them, whereas the essence of humanity demands that man must be totally free, freedom

being one of the key features of mankind. We reply that absolute freedom is inconsistent with the essence of humanity and man's civility and sociability. As man is supposed to lead a social life, social life demands that, binding laws and ordinances be enacted in order to regulate the actions of people and an institution called "state" .present to guarantee the implementation of laws

To conclude, this justification has been accepted by all political systems in the world, including Islam. Throughout history, all people have believed in it and been bound by it. No protest has ever been made against it. Yet, as we have said, the democratic and populist systems do not have sufficient logical justification for the exigency of government, the implementation of laws and ordinances, and sometimes the exertion of pressure on people. Their theory on government does not have internal coherence .and is marred by contradictions

The Islamic system, meanwhile, has a convincing justification because we also follow the principles of populist systems believing in the important role of the will of

people and many of our government institutions are formed based on the vote of the people. Moreover, the Islamic system has a rational and logical justification based on demonstrative principles; for example, sovereignty belongs to God. Since the people are servants and subjects of God, essentially, He has the right to exercise authority .and sovereignty over His servants and subjects

The sovereignty of others is proper and rightful only when it is anchored in God's will and permission. That is, individuals can rule over His servants only by His leave and approval. The governments that do not emanate from God and are not based on the authority of the Lord of the universe are illegitimate and contrary to truth and rational .principles

Session ۳۶: Need for Decisiveness in Implementing Islamic Ordinances

point

The intellect or conscience of man presents a set of do's and don'ts, and issues orders and commandments which impose limitations on him. But since these limitations emanate from an inner force within one's self, they do not deprive him of freedom. No one has ever claimed that dictates and admonitions of the conscience deprive man of liberties. Similar to these inner admonitions and commandments of the intellect or conscience (for those who believe in God and His religion) are the commandments and orders coming from external sources, i.e. what God or the Apostle (s) have issued. Just as the intellect or conscience wants us to do a certain thing, God has assigned .certain duties to us which are based on real interests

Because of His infinite

knowledge, God is fully aware of them but the same are beyond our understanding and comprehension. In this regard, it is as if apart from the conscience or inner "attached" intellect, God, like the totally infinite "detached" intellect of man, is cognizant of the interests, benefit and harm, on the basis of which He wants us to do a certain thing because it is beneficial to us, and not to do another thing because it is .harmful to us

This kind of limitation on the freedom of man stems from his personal or private relationship with God and His religion and is not related to the subjects of political and legal philosophy. Politically, all those who believe, acknowledge that they have to do certain things and refrain from doing other things, and that this obligation is not related to society. It rather originates from man's personal relationship with God just .like the relationship with his intellect or conscience

Social impact of human action and the necessity of government

The dispute revolves around the fact that certain actions are not only related to the concerned person and his life in this world and the hereafter, but also affect others. This is why most thinkers in the world believe that there must be an institution that prevents any action which is harmful to society and punishes the guilty. So, the

philosophy and exigency of the government apparatus emanates from this. On this basis, with the exception of the anarchists, all people particularly the political and legal experts consider the existence of government as

necessary. But morals, or the good and bad discerned by the intellect or conscience of man in relation to his personal life have nothing to do with the domain of politics and .government

Another point raised in this connection is that apart from the personal or private spiritual issues, the intellect limits man's liberty. Can the government apparatus limit liberty? The reply is that in connection with social life, the government is meant to limit liberty. The government enacts laws and ordinances, permits certain actions, prohibits others, and fines, imprisons or penalizes a violator. In some government systems including the Islamic system, even physical punishments including execution .have been considered

So, we have to accept the presumption that government is basically meant to limit social actions, and social liberty. Taking into account what we have said, it is clear that the notion that "Freedom is above the government and law" is a fallacy. The government must restrict liberty. To say that no institution can limit the sociopolitical liberty of people is like saying that government is not necessary, and the existing .government is futile, illegitimate, illegal, and an imposition

The legitimate source of government and the enigmas of democracy

point

After we accept that society must have a legal or legitimate government that limits sociopolitical liberty, we face two fundamental questions: (۱) From whom has the government acquired legitimacy and on the basis of which right does the government ?restrict liberty? (۲) To what extent can the government restrict liberty

According to

our belief, except under the aegis of the Islamic political theory, the legitimacy of a democratic government does not have a lucid, acceptable and convincing justification. If we say that through the government the people limit their own liberty, apart from the fact that whenever a person wants he can limit his liberty and control his actions without any need for a government to do so for him, this view is paradoxical and self-contradictory because anyone who wants to be free might not limit his action and movement.

The latest and best theory advanced in the world today on the legitimacy of government and accepted by the majority of people is that the people delegate a part of their rights to the government. That is, man who is the master over his destiny and can make laws and ordinances for his actions and limit his liberty, grants the right to the government to enact and execute laws and ordinances for the administration of his social life. This delegating of right to rule to a government is known as democracy.

There are many objections to the theory of democracy in its modern sense. We shall point out only three of them.

۱. First objection

Does man have the right to exercise authority, set limits and exert pressure over himself? Does he have the right to punish himself? Indisputably, all governments prevalent in the world have set different forms of punishments for violators of law. Now, does man have the right to commit suicide or can he

delegate to another the right to kill him? If man really has the right to commit suicide, it follows that he may allow others to enact a law on the basis of which they can sentence him to death if he commits certain crimes.

But we have no doubt that no one has the right to commit suicide because he has no such authority over his life that he can put an end to it whenever he wants. The life of

man belongs to God and no one else has the right to bring any harm to it. According to our religious or juristic outlook, man has no right even to harm or injure his body. No one is supposed to injure his body; for example, to amputate his hand or finger. It is because the body of man belongs to God, and man has no authority and discretion over it. As such, how can man grant the right to a government to enact and approve judicial and penal laws and authorize it to penalize violators and criminals, amputate ?the hand of a thief and execute others

Second objection .۲

Let us assume that we accept the notion that man has the right to exercise authority over his life and body and can harm or injure his body and put an end to his life. He grants this right to the government. In reality, those who have voted for the government have set the legislative body as

p: ۲۲۰

their agent or proxy to ratify laws and ordinances including civil and criminal laws in connection with their social lives. Similarly, they have chosen the executive body as their deputy to implement laws. In this regard, however, man can only grant the government the right to exercise authority over himself. He has no right to grant power to the government to exercise authority over others and deprive them of .certain rights and liberty

The current term for democracy is that people authorize the government to act as their representative to enact and implement laws. As practiced in democratic systems in the world, if a government is formed by majority vote, i.e. fifty percent plus one or more, it can enact and implement laws and ordinances for the administration of society including those who have not voted in favor of the government. In reality, once more than half of the people—not all of them—vote for the government, the said government and its ordinances shall become official and legal, and all members .of society will have to abide by the ordinances

The serious question is that less than half of the people have not voted for the

government and recognized it as their proxy to decide on their behalf. How can the government have any right to enact laws and ordinances in relation to the domain of their social lives, and what right has it to rule over them and punish any violator among them? Thus, there is no rationally acceptable reason

p: ۲۲۱

for the government to rule by force over those who oppose it and have not voted for .it, and compel them to obey

Third objection .۳

The client has the right to remove his agent or dismiss and nullify his decision and choice. So, if a person elected his representative in the parliament and thereafter revoked his decision to elect him, he is supposed to have the right to remove his representative from his office. Moreover, the representative has the right to choose only what his client wants and desires. He has no right to have a choice contrary to the opinion of his client. Now, when all people or half of them are against the ratification ?of a law, what right does the government have to implement it

Hence, there is no convincing criterion for the legitimacy of a democratic system. The only thing theoreticians of the democratic system assert is that democracy or the rule of the elected representatives of the majority of people is the best method and way that can be chosen for the administration of a country or society. If the government is formed in accordance with the vote of a minority and their demands are implemented, the right of the majority will be violated. As a result, they will rise up against the few, and undoubtedly, it will be hard to undermine their uprising. As such, as per necessity, the government must be formed according to the vote of the majority

p: ۲۲۲

and it must function based on their will. It is not that the government has a convincing .basis of legitimacy

From the Islamic point of view, the same intellect that tells man that an action is good and another is bad and that his parents, teacher and the people have rights over him and he must give them their rights, tells him that the rights of God, who created the world, him and all human beings, are greater and more profound than that of others, and that he must admit that. Now, if God—who is our Master and has created us, and by whose will everything comes into being and will cease to exist if He wills—designates a person to implement His laws and decrees, his position is legitimate .regardless of the acceptance or non-acceptance of people

When God who has the greatest rights over human beings—nay, all rights belong to Him—grants the right to rule or guardianship [wilayah] over the people to the Apostle (s), an infallible Imam or the deputy of an infallible Imam, he has the right to implement the divine laws in society because he has been designated by the One to .whom belongs all creation

Therefore, the Islamic political theory on the basis of which the Islamic ruler has the right on behalf of God to implement divine laws and decrees and punish violators and criminals does not have inconsistency of any sort, and this theory is harmonious with

rational principles. Of course, it is acceptable to those who believe in God. Those who do not believe in God will certainly not accept this theory. At the outset, we will have to .[prove to them the existence of God and the essence of monotheism [tawhid

Should they accept God and embrace Islam, then we should sit together and discuss Islamic political theory. Thus, for those who believe in God, the Apostle (s) and the religion of Islam, the most rational legitimacy of government that could ever be conceived is that the Lord of the universe delegates the right to rule over people to .one of His servants and designates him as ruler

By knowing Islam and understanding its political theory, we will find out that above the rights that human beings have over one another, there is another right and that is

.the right of God over people

Accordingly, if God commands His servant to do something—even if it is harmful to him—he must do so because he is a subject of God and belongs to Him, and being the Master, God can exercise authority over any of His servants. Of course, out of His infinite grace, benevolence and mercy, God does not bid or forbid anything detrimental to His creatures. He does not desire to harm anyone. His commandments and prohibitions are for the benefit, welfare and interests of human beings both in this world and the hereafter. In case they suffer by acting upon His commandments—for ,example

p: ۲۲۴

they are deprived of certain material enjoyments and blessings for a couple of days—God shall compensate them in the hereafter and recompense them a thousand times .or more

The prophets and their way of guiding people

God sends His apostles ('a) to invite the people towards what is good and blissful in this world and the hereafter. At the beginning, the apostle or prophet of God guides and invites them to the truth and reads to them passages from a revealed scripture. By informing them and elevating the level of their understanding and knowledge, he paves the ground for their acceptance of the truth and divine duties. In reality, at this stage the apostle plays the role of "detached or external intellect" ['aql-e munfasil]. Without exerting pressure and compelling the people and depriving them of liberty, he enhances their level of understanding in order to guide them towards their free .choice and decision to willingly accept Islam and its lofty decrees

An apostle is commissioned by God to inform the people of truth and falsehood and let them freely choose one of the two ways—truth or falsehood. For this reason, he cannot invite the people to his call by force and impart his teachings to them by pressure as this is against divine will. God wants people to choose whichever they like after knowing the truth and falsehood. So, at the beginning of his mission, the

messenger of God has to establish contact with people, interact and talk with them, convey to them his message by means of

.rational proof and divine signs and miracles, and inform them of the truth

In inviting the people to God and His signs and establishing divine order, the apostles of God do not employ any sort of compulsion or imposition on the people. As a policy, they pay special attention to human freedom and their conscious choice. In fact, they respect the liberty of people more than what is observed in other ideological systems. They make sure that in dealing with the invitation and system offered, the people have an absolutely free choice. It is because the purpose of God in creating man is for him to be a free and choosing creature, to accept truth freely and be guided by it. The use of compulsion and force by the apostles of God in the establishment of divine .order is repugnant to divine purpose

If man is supposed to choose a way by compulsion and force, chances are he would not know the truthfulness of the way and he may even possibly think that the way is not the correct one. In order to discern the correctness and truthfulness of the way, man must be informed and made aware at the outset, and the way must be paved for .his free choice

Again, since divine purpose is to allow man to freely, consciously and knowingly accept the path of truth and divine signs, God does not impose the path of truth on people by showing miracles. He does not desire to

deprive the people of a conscious choice even by means of showing miracles and interfering in their free choice so that they accept the truth involuntarily and not resist :it. As such, God said

(لَعَلَّكَ بَاخِعٌ نَّفْسَكَ أَلَّا يَكُونُوا مُؤْمِنِينَ إِنْ نَشَأْ نُنَزِّلْ عَلَيْهِم مِن السَّمَاء آيَةً فَظَلَّتْ أَعْنَاقُهُمْ لَهَا خَاضِعِينَ)

You might kill yourself [out of distress] that they will not have faith. If We wish We will “ send down to them a sign from the sky before which their heads will remain bowed in (humility.”(١)

The need to remove obstacles along the way of guidance

God wished to guide the people by means of His messengers and separate the path of truth from that of falsehood for them to choose the correct path with knowledge, understanding and free choice. The arrogant profiteers, who had accumulated excessive wealth by exploiting the ignorance of people considered the invitation of the apostles (‘a) as a great obstacle along their satanic objectives and interests. They rose up against the Messenger of Allah (s) and did not allow him to talk to the people .and recite verses of truth to guide them

By employing excessive torture, persecution, harassment and unbearable problems, they hindered the guidance of people. In the Holy Qur’an, God called this group “the leaders of unfaith” [a’immat al-kufr] and the chiefs of corruption and vice, and ordered the Apostle (s) and his companions to fight them and get rid of them because their presence and satanic activities hindered the realization of the divine purpose. God wants all human beings to be

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١- Surah ash-Shu‘ara’ ٢۶:٣-۴.

guided and be able to distinguish the path of truth from falsehood, but they obstruct :His divine purpose

(...فَقَاتِلُوا أَئِمَّةَ الْكُفْرِ إِنَّهُمْ لاَ أَيْمَانَ لَهُمْ لَعَلَّهُمْ يَنتَهُونَ)

Then fight the leaders of unfaith—indeed they have no [commitment to] pledges—" (maybe they will relinquish.”(١)

If a person driving along a road is obstructed by a rock or big stone, he has no option but to remove it to continue driving. As such, he will try his best and do everything in

order to get rid of the said obstruction. Basically, every rational person removes any hindrance along his way. Similarly, for the realization of His purpose, He commands the Apostle (s), his companions, and all Muslims throughout history to fight and eliminate the obstructions to guidance, i.e. the oppressors in the world, monarchs, tyrants, money-worshippers, and all satanic powers that hinder the path of guidance.

God does not enjoin you to smile at them and cheerfully request them to allow the people to be guided! If they were listening to requests and had desisted from their wicked acts, they would not have been arrogant. They are essentially arrogant, wicked and corrupt. They want others to become their servants and subjects and exploit them to the fullest and not allow their own interests to be threatened.

As such, they do not allow people to be guided to the path of truth and become followers of the Messenger of Allah (s). Certainly, for the faithful and people of guidance there is no other way but to confront

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۱- Surah at-Tawbah (or, Bara'ah) ۹:۱۲.

them violently. For this reason, in the Qur'an God commands the Holy Apostle (s) to fight them and deal with them violently, severely and sternly—the same Apostle (s) who is described by God in the Qur'an in this manner:

(فَبِمَا رَحْمَةٍ مِنَ اللّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لاَنفَضُّوا مِنْ حَوْلِكَ...)

"It is by Allah's mercy that you are gentle to them; and had you been harsh and hardhearted, surely they would have scattered from around you..."(۱)

Elsewhere in the Qur'an, God commands him to fight and be severe with the faithless:

(يَا أَيُّهَا النَّبِيُّ جَاهِدِ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَمَأْوَاهُمْ جَهَنَّمُ وَبِئْسَ الْمَصِيرُ)

"O Prophet! Wage jihad against the faithless and the hypocrites, and be severe with them. Their refuge shall be hell, and it is an evil destination."(۲)

In yet another verse of the Qur'an, God orders the Apostle (s) to retaliate in kind against those who have threatened the lives and properties of Muslims and fight :them with utmost severity

(وَقَاتِلُواْ فِی سَبِیلِ اللّهِ الَّذِینَ یُقَاتِلُونَکُمْ... ۞ وَاقْتُلُوهُمْ حَیْثُ ثَقِفْتُمُوهُمْ وَأَخْرِجُوهُم مِنْ حَیْثُ أَخْرَجُوکُمْ...)

Fight in the way of Allah those who fight you... And kill them wherever you confront" (them and expel them from where they expelled you..."(۳

The necessity of preserving divine values and negating Western values

It is the duty of every Muslim to struggle and wage jihad against the enemies of God. Courage, religious zeal and fervor, commitment, self-sacrifice, and devotion are some of the greatest and loftiest Islamic values that help maintain its identity, vitality, independence and freedom. By introducing a set of futile, self-coined

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.Surah Al 'Imran ۳:۱۵۹ -۱

.Surah at-Tawbah (or, Bara'ah) ۹:۷۳ -۲

.Surah al-Baqarah ۲:۱۹۰-۱۹۱ -۳

and self-desired values like absolute negation of violence, the arrogant Western culture attempts to rob us of those Islamic values. For this reason, they always say that violence is totally condemnable and reproachable when used by Muslims, not !them

How can they expect us just to sit idly and smile at them while they uproot our religious values and attack religious sanctities which are dearer to us than our lives and for whom we are willing to sacrifice everything? For what purpose has He endowed us with anger and wrath? Are we not supposed to confront a bunch of violent traitors and mercenaries with violence? Should we not react violently when they threaten our religion? Should we remain seated and smile?! What does this verse :command, "And kill them wherever you confront them"? Why does He say

(محمدٌ رسولُ اللهِ و الذینَ معهُ اشدّاءُ عَلَی الکفّارِ رحماءُ بینهم...)

Muhammad, the Apostle of Allah, and those who are with him are hard against the“ faithless and merciful among themselves”?(۱)

They say that Islam is against violence. You have to ask them, “Islam is against which kind of violence?” They present a set of ambiguous concepts as absolute values in order to conceal the truth, rob people of the spirit of martyrdom, sacrifice and bravery, religious zeal and national ardor, and instill insensitivity, indulgence and negligence in its place. They consistently talk about indulgence and negligence. Should we also practice indulgence and negligence with respect to someone who wants to rob us of

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۱- Surah al-Fath ۴۸:۲۹.

our religion which is dearer to us than our lives and honor?

Therefore, while establishing an Islamic government one must engage in enlightening and guiding the people and showing the way to them. At this stage one should not use violence or brute force. At this stage, deception, false promises and exploiting any factor that hinders the true guidance of people are wrong. At this stage, one must talk rationally or logically to the people with utmost composure, forbearance, patience, fortitude, clarity, and sincerity so as to show them the truth and save them from the quagmire of negligence and ignorance.

Of course, obstacles must be removed along the way and those who hinder the guidance of people must be confronted so as to pave the ground for the people’s inclination to truth. When a group of people embrace the truth, the cultural activities of guiding and enlightening the people must be pursued as before with utmost patience and tolerance in order to numerically strengthen the followers of truth and extend Islamic society. In the Qur’an, God calls on the Apostle (s) to show patience and tolerance while conveying His message, observe fortitude and forbearance in

facing difficulties, verbal abuses, insults, harsh treatment, and persecution so that people be guided to the truth:

(فَاصْبِرْ كَمَا صَبَرَ أُوْلُوا الْعَزْمِ مِنَ الرُّسُلِ)

"So be patient just as the resolute among the apostles were patient."(١)

Decisiveness in implementing laws and struggling against enemies of the system

Once an Islamic government is established according to Divine will, Islamic laws and ordinances must be implemented in society. As in other

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١- Surah al-Ahqaf ۴۶:٣۵.

governments, brute force must be employed sometimes. The government must have the necessary means to deal with opponents. Prisons, fines and penalties must be contemplated for criminals and violators. It must employ military and disciplinary forces to confront external enemies and suppress internal disturbances. The government cannot rely only on moral admonitions. A ruler who has no instrument of brute force and relies only on admonitions and reminders is not a ruler but an ethicist!

So, as the Islamic government is established with the general acceptance and allegiance of the people and is engaged in implementing Islamic laws and ordinances and attending to affairs of the country and people, those who revolt and create disturbance must be dealt with. As stated in Islamic jurisprudence, it is obligatory [wajib] to wage jihad against sedition-mongers who are technically "people of sedition" [ahl al-baghy]. For example, Imam 'Ali ('a) campaigned against and dealt with sedition-mongers.

After the passing away of the Apostle (s) when the government fell into the hands of others, Imam 'Ali ('a) was engaged in enlightening and guiding people. For the period of ٢۵ years he discharged this responsibility and kept his distance from the government. But when a mammoth assembly of people from different Muslim lands

like Egypt and Iraq as well as Medina urged him to rule as their Imam and leader, the Imam ('a) clearly witnessed the proof [hujjah] and accepted the responsibility of ruling the people.

Given the existence of such a huge assembly of people and

their allegiance which was unprecedented in the history of Islam, there was no more reason to keep away from the government. He was forced to take control of government although he had no personal interest in ruling over the people. Only the sense of responsibility in view of the people's allegiance prompted him to accept the headship of government. As Imam 'Ali ('a) said,

أَمَا وَالَّذِی فَلَقَ الْحَبَّهَ، وَبَرَأَ النَّسَمَهَ، لَوْلاَ حُضُورُ الْحَاضِرِ، وَقِیَامُ الْحُجَّهِ بِوُجُودِ النَّاصِرِ، وَمَا أَخَذَ اللهُ عَلَی الْعُلَمَاءِ أَنْ لَا یُقَارُّوا عَلَی کِظَّهِ ظَالِمٍ، وَلاَ سَغَبِ مَظْلُومٍ، لاَلَقَیْتُ حَبْلَهَا عَلَی غَارِبِهَا، وَلَسَقَیْتُ آخِرَهَا بِکَأْسِ أَوَّلِها، وَلاَلَفَیْتُمْ دُنْیَاکُمْ هذِهِ أَزْهَدَ عِنْدِی مِنْ عَفْطَه عَنْزٍ

Behold, by Him who split the grain (to grow) and created living beings, if people had not come to me, and supporters had not exhausted the argument, and if there had been no pledge of Allah with the learned to the effect that they should not acquiesce in the gluttony of the oppressor and the hunger of the oppressed, I would have cast the rope of Caliphate on its own shoulders, and would have given the last one the same treatment as the first one. Then you would have seen that in my view this world of yours is no better than the sneezing of a goat!(1)

After a few days of Imam 'Ali's ('a) rule, those who worshipped Ma'mun; those who advocated discrimination and injustice and considered themselves superior to others could not bear the justice of 'Ali ('a); those whose satanic desires and usurped

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1- Nahj al-Balaghah, Sermon 3.

or illegitimate rule were in danger during the rule of 'Ali ('a); and, those who were

apparently ascetic and devoted worshippers yet devoid of correct insight and clear understanding of the teachings of Islam, whose superficial understanding and intransigence prevented them from grasping the sound logic of ‘Ali (‘a), revolted and created disturbances one after the other, and imposed the Battles of Jamal, Siffin and Nahrawan on the Imam (‘a).

At that point, what was the duty of the Imam (‘a) as the Islamic ruler who perceived that the divine government and laws were in danger? Was the Imam (‘a) supposed to relax and watch the unfolding of events and not stand in the way of the seditionists on the excuse that violence is condemnable and reproachable?

To preserve the Islamic government and Muslim lands, the Imam (‘a) brandished his sword and fought with the rebels and mutineers. During the Battle of Jamal, some companions of the Apostle (s) including Ṭalhah and Zubayr who fought on the side of the Apostle (s) for many years were killed. Although Zubayr was a cousin of the Imam (‘a) and inspite of his sacrifices and acts of bravery along with the Apostle (s), the Imam (‘a) did not spare him. Imam ‘Ali (‘a) did not say: “O Zubayr, you are my cousin. Come and let us be friends. I will compromise with you and grant your demands.”

Instead, the Imam (‘a) firmly believed that his government was righteous and those who revolted and

p: ۲۳۴

staged an uprising against it would have to be suppressed. Thus, when they started revolting and staging a mutiny, he admonished and advised them. When they refused to submit, he dealt with them with the sword and killed some of them. The reason was that the Imam (‘a) considered the right of God and the Muslims as more important than the personal desires of individuals. In order to preserve the Islamic system, he believed that the use of violence and severity of action was obligatory.

Warning people against conspirators and mercenaries

Before the Islamic Revolution, Imam Khomeini (q) also delivered speeches and issued statements for the enlightenment and guidance of people and kept on advising the

regime. But when the people paid allegiance to the Imam and expressed their readiness to sacrifice themselves for the sake of Islam, sever the hands of the enemies of God and establish Islamic rule in this land, the Imam accepted the political responsibility, saying: "By virtue of the responsibility and guardianship [wilayah] God has vested in me and relying on your assistance and help, I shall render a blow to this ".regime and install a government

That is, as the wali al-faqih, the Imam had the right of governance and his wilayah had divine legitimacy, but when the people had not yet come to the scene and paid allegiance to him, this wilayah had no actual manifestation. With the allegiance of the people and their remarkable presence in the scenes of Revolution, the expression

of readiness to sacrifice or offer their lives for the sake of Islam and their leader, the said wilayah had acquired actual manifestation and the Islamic government was .established

Indisputably, this Islamic government, which was established by the blood of hundreds of thousands of martyrs and has survived by the glorious presence of forces loyal and devoted to the Revolution who defend the borders of the country and safeguard the lofty values of the Revolution. These devoted people will not allow a bunch of mercenaries and paid agents to put in danger the interests of Islam and the .properties, lives and honor of the people

When a gang of rioters, mercenaries and foreign agents poured into the streets, staged riots, burned and looted public property, harassed people, and even set mosques on fire [in the days of disturbances in Tehran after July ۹, ۱۹۹۹ (Tir ۱۸, ۱۳۷۸ AHS)], those saying that rioters should not be dealt with violently as Islam does not allow resorting to violence have either not understood Islam, or they want to undo !Islam and the Muslims

One cannot stop rioters with a smile. One must deal with them using brute force. We must not allow these bitter events to happen again in our country. Our people will not

be deceived by these words nor listen to those who say that violence is absolutely forbidden at all times. If they have observed sobriety and forbearance, it is on .account of their obedience to the order of the Supreme Leader

Whenever our devoted people feel that the Supreme Leader is truly pleased with .something, they will offer their lives in order to realize it

When the Supreme Leader called for silence and calm, they observed sobriety and fortitude, and did not pour into the street and stage a demonstration without his order. But at the time when they had to express their devotion to the Revolution and show the enemies that they were always ready to defend Islam and the Revolution, they staged magnificent demonstrations throughout the country that astonished the .enemies and the people of the world

Session ۳۷: A Scrutiny of the Issue of Violence

point

We have stated that just as Islam has decrees based upon magnanimity, mercy and benevolence, promoting brotherhood, love and friendship, it has also decrees associated with severity, harshness and violence in special or exceptional circumstances, calling for struggle and resistance against the criminals and .seditionists

Of course, since this discussion is of secondary importance and beyond the scope of our main concerns, we shall only touch on it briefly. The propaganda in newspapers and articles on this issue, however, show that there is need to elaborate comprehensively upon the station of love and violence in Islam. For this reason, we .shall examine the subject to the extent suitable in this session

The enemies' sinister propaganda and activities against Islam

Since the beginning, the enemies of Islam have presented it as a religion of violence that was propagated at the point of the sword on the ground that the obligation to

struggle and wage jihad against enemies is upheld in

p: ۲۳۷

Islam; the Qur'an contains many verses about jihad; and, jihad has been considered as one of the obligatory acts and branches of religion [furu' ad-din]. They have instilled the fact that Islam is a religion of violence in the minds of people, saying that .it was forced down the throats of people during the initial decades of the Caliphate

Meanwhile, some people try to defend Islam by claiming that there is no violence in Islam for it has always enjoined mercy and compassion; the injunctions of jihad and the harsh and violent expressions about jihad in Islam are related to a particular time and circumstances; today, those injunctions are no longer applicable and must not be discussed; at this time, one must only talk about flexibility, accommodation, !indulgence, and negligence

Our nation is aware of the motives of the enemy's propaganda campaign against Islam and will not be influenced by it. It must be noted, however, that the issue is beyond that and does not end here. By employing various forms and diverse methods of propaganda and by using various literary and artistic means, they cast doubts upon Islamic teachings that can have a profound and dangerous impact upon our culture .and weaken some people's faith in the religious fundamentals

This is something that has been affirmed by psychological theories and actual experience. We can evidently see for ourselves how a generation is influenced by the enemy's unrelenting scientific and literarily embellished propaganda. The new generation can possibly forget

p: ۲۳۸

its religious-national identity and primordial self and assume a different cultural .outlook as a result of the enemy's sinister propaganda

Among Western concepts and values that have been introduced in our culture are the concepts of freedom and democracy that are presented as absolute values in our

literature. They have promoted these concepts to such an extent that they have turned out to be like idols which no one dare say something against or mention their shortcomings and deficiencies. Western thinkers themselves have written many .books criticizing and rejecting democracy

Even today, some political philosophers and sociologists criticize democracy on various occasions, writing books rejecting it. Some of these books have been translated into various languages of the world including Persian and are accessible to our people. Yet, they have so sanctified these concepts that in the Third World countries no one will dare criticize them. If we dare to say something against Western freedom and democracy, we will be accused of being reactionaries, traditionalists and .despots

The West and its pretentious defense of human rights

Undoubtedly, the Westerners have certain long-term plans in their propaganda. In order to secure their interests and control all revolutionary countries, they persistently talk about democracy, freedom and human rights. Whoever opposes them is accused of being hostile to democracy and human rights. Yet, we see that they do not criticize some of the most despotic and unpopular regimes in the world .simply because they are their satellites and secure their interests

The falsity and insincerity of their claims can be exposed when

p: ۲۳۹

an election is held in a country based on democratic principles and the election result is in favor of Muslims or Islamists. Truly beyond expectation, the election result will be declared null and void. After a bloody coup, a group of the armed forces will control the government. Everyday, they will kill tens of innocent people and imprison freedom-loving Muslims. Not only that, these false champions of human rights will not accuse the said regime of violating human rights or not respecting freedom, but they will immediately recognize its legitimacy, affirm its acts and offer extensive assistance .to it

When the Zionist occupiers occupied the land of Palestine, drove the people out of their homes, killed thousands, made millions refugees in other countries, none of these self-claimed champions of human rights said that the Zionists actions were violations of human rights. Instead, the superpowers granted political recognition to the usurper and occupier regime. Throughout the period of its illegitimate rule, the regime has subjected the original owners of the land to torture, persecution, murder, and plunder and destroyed their homes. Yet, those who talk about human rights have .not raised even a finger of protest

From time to time, the United Nations issues useless and futile statements or resolutions in line with its policies and propaganda. In practice, it gives the 'go' signal to the regime—"If you do not abide by the resolutions, nothing will happen to you." As we all know, tens of resolutions and statements against the Quds-occupier regime

have been approved, yet the regime has rejected them all. Meanwhile, apart from not being reproached or punished, it is gratuitously granted billions of dollars, ultramodern weapons, nuclear submarines, and nuclear technology. Is there any of the so-called champions of human rights countries that says that the regime which has violated the most fundamental human rights and rejects or opposes international ?treaties, agreements and resolutions is against democracy and human rights

Resorting to violence and plotting to topple down the Islamic system

After the victory of the Islamic Revolution, an extensive propaganda against violence was launched in our country. Initially, they said that the people's revolution or uprising against the "legitimate" Pahlavi regime was a form of violence. After the victory of the Revolution, groups of hypocrites that failed to win the support of people for their un-Islamic objectives clashed with the Revolution and the masses, assassinated a number of religious and political figures and did not spare even innocent people until, finally, the people decided to struggle against them and expelled them from the country. Since then up to now, however, the Westerners have been campaigning against our people and government, saying that our policy toward the hypocrites is

!based on un-Islamic violence

They intentionally gloss over the devastation caused by the hypocrites to this country and the Revolution. All treacherous assassinations are not condemned either. But when a nation rises up to defend its religion and country, suppress the terrorists, :imprison some and expel the rest from the country, they raise a hue and cry saying

p: ۲۴۱

"!They (the revolutionary people) are acting against human rights"

Similarly, when during the disturbances in Tehran after July ۹, ۱۹۹۹ (Tir ۱۸, ۱۳۷۸ AHS) a bunch of rioters and rogues set public utilities, banks, public and private vehicles, and even mosques on fire and tarnished the honor of people by removing the headscarves of women, no one said that they were acting against human rights. Instead, they presented these rioters as reformists and proponents of freedom and democracy! But when the government of the Islamic Republic of Iran and the devoted and selfless volunteer mobilizing [basij] forces stood up and came to the rescue of their religion, honor and ideal system and drove the rioters and foreign mercenaries from the country, they yelled hysterically "There is no freedom in Iran and the Iran "!political system is a dictatorship

The Westerners are aware of the falsity of their claims. They have adopted these means of propaganda especially after the Revolution with the aim of defeating the Islamic system. We are unaware and uninformed of the depth of their conspiracies and plots, but given the many centuries of experience they have acquired they know well that for them to be able one day—even if it be fifty years from now as they erroneously imagine it—to topple down a popular system which is rooted in the people's religious culture, they have to engage in extensive, complex, psychological .and cultural activities

Their objective is that after the passing away of one or two generations of the ,Revolution

the youth who have not experienced the Revolution, not witnessed the corruption and crimes of the Pahlavi regime, not understood the achievements of the Revolution and not been trained by the Imam and his companions would be influenced by their propaganda and help bring about the downfall of the Islamic government and install .their so-called democratic satellite government

Paving the ground for the absence of people from the scene

In a bid to attain their wicked goals, they make well-calculated programs, conduct fundamental cultural activities, and utilize effective means. Among those used particularly in the past two or three years(۱) is the promotion of concepts such as indulgence, negligence and moderation and condemnation of decisiveness and violence. They realize that the perpetuity of the Islamic system depends on the love and affection of the youth and basijis, in particular, for Islam and the Islamic .leadership for which they are willing to risk their lives

Through propaganda and the use of cultural means, they strive to take away bravery, sacrifice, moral heroism, and the spiritual power of religious zeal and enthusiasm from the people. They force people to see the negative, inhuman and unjust forms of violence with dire and painful consequences committed around the world, so that they consider violence absolutely condemnable and reproachable. That is, if a person talks harshly, chants the slogan "Death to America" or deals firmly with rioters, his .action is violent and, therefore, condemnable and reproachable

By campaigning against violence and labeling the defense forces of the

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۱- That is, from ۱۹۹۷ to ۱۹۹۸ or ۱۹۹۹. [Trans.]

Revolution as violent, they want our people not to take a step against the conspiracies and plots of the foreigners and the destructive activities of their paid agents and leave the scene of action so that they can stage a coup like that of August ۱۹, ۱۹۵۳ (Mordad

۲۸, ۱۳۳۲ AHS).(۱) As they orchestrated the foreign-backed coup on August ۱۹ of that year, they also considered the days after the ۱۸th of Tir this year (۱۳۷۸ AHS) as an .opportune moment to stage another coup in this country

By conducting extensive studies and research, spending huge amounts and deceiving the simple-minded, they had already carried out the prelude to this event. For example, the interviews and confessions of their mercenaries who openly confessed that they had received intellectual and monetary assistance from America bespeak of this reality. When they found conditions suitable, they brought to the scene rogues, rascals and mercenaries so that they could actualize the coup by harassing people, setting public and private properties on fire, and creating chaos and disorder under extensive foreign and domestic print and broadcast media and other forms of .assistance

By condemning violence, they wanted to crush the resistance of the people and weaken their defense of the Revolution so that when they witnessed inhuman and anti-revolutionary actions, the destruction of people's property, the attack on public utilities, and the disturbances staged by a bunch of mercenaries, they would keep silent and not stop the rioters. Even if they took action, they would

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Mordad ۲۸, ۱۳۳۲ AHS coup: the US and British-orchestrated coup d'état that toppled -۱ down the nationalist government of Dr. Muhammad Musaddiq (۱۸۸۲-۱۹۶۲/۱۲۶۱-۱۳۴۶ [.AHS) and reinstalled Shah Muhammad Ridha Pahlavi to power. [Trans

.not take practical, physical and violent action

They would call the rioters to sobriety and dialogue and listen to their demands. They would tell the rioters: "You have the right to protest and be upset. Send your spokesman so that we can sit together and grant some of your demands and compromise. Drop some of your demands and in turn, we will also withdraw from .some of our stances

Their demands will be nothing but the removal of Islamic laws and ordinances, Islamic slogans and mottos, and the defense of Islam. By meeting these demands, a sort of bloodless coup will be staged in the country. As a result, Islamic values will be totally obliterated and if external military support and assistance will be needed, (as they had contemplated long before), they will attack the eastern and western borders of the .country, render the final blow and install a satellite regime

The exigency of confronting cultural conspiracies and misgivings about religious sanctities

This extensive and well-calculated propaganda is remarkably launched in the broadcast media, periodicals and magazines that even some prominent figures have been deceived and fallen prey to the enemy's cultural plots, which are meant to rob the Muslims of their religious zeal and enthusiasm so that they do not stand up to defend Islam and the Revolution at the time of necessity. A manifestation of it was the incident that recently took place. Many of its facts are yet to be exposed. They shall be .revealed gradually

It was on account of that, based on my personal discernment, that I sensed a serious cultural threat as a prelude to a military coup to topple the Islamic system. I entered the scene and decided to refute the enemies' objections and propagated notions, thwart their cultural designs, warn the people, and awaken the happy-go-lucky and those who are in deep slumber because of their propaganda. At least, by creating doubt and uncertainty in the false beliefs and ideas of Western cultural propaganda, I could inform them of the menacing threat to their religion and culture, and by infusing enthusiasm in society and raising questions, I could contribute in making the people .less vulnerable to their vicious propaganda

In line with the fulfillment of my duty, I decided to break the idol of the absolute negation of violence and refute the notion that every form of violence is bad while every form of flexibility is desirable. We all know that, each of them is desirable under certain conditions. The same is true about freedom. I reject absolute freedom.

Freedom within the framework of Islamic values is desirable. At that time, some .colleagues got angry because they thought I was saying something against freedom

However, when they saw the conspiracies behind the curtains, became aware of the far-reaching exploitation of freedom, and found out that under the pretext of freedom some elements were busy trying to uproot the lofty religious sanctities and values of our nation, so much so, that a distinguished

political figure said in one of his speeches, "Our people are free even to demonstrate against God," these colleagues explicitly said, "The desirable freedom we are concerned with is freedom within the framework of Islamic values." Had I not pointed out this issue and infused enthusiasm in society, perhaps the officials would have not deemed it necessary to defend "the theory of freedom within the framework of .Islamic values" and reject absolute freedom

Today, some elements condemn and consider as violent and undesirable any action done in line with the defense of Islam and Islamic values. This is a reality and not only an imagination that pops up in my mind for some people to claim that my issue is an isolated one and that I am talking in a vacuum. Incidentally, I do not claim without .evidence

As we have no time to deal with each case, I will mention some of them. Some individuals bring the principle of jihad into question and describe it as violent. One of them said in his speech at Tehran University during a commemoration ceremony of 'Ashura, thus: "The murder of the Doyen of the Martyrs ('a) was a repercussion of the "!violence done by the Holy Apostle (s) during the Battle of Badr

This person condemns Islamic jihad, the battles and military expeditions of the Holy Apostle (s), saying that when the Apostle (s) killed the polytheists, their children also came forward and killed his (s) children. Had the Apostle (s) not killed them,

their children would not have killed the children of the Apostle (s)! In reality, he praised .(the forces of Yazid and condemned Islam and the Apostle (s

At that time no one said that his speech was an affront to the Holy Apostle (s), a distortion of the personality of Imam al-Husayn (‘a) and the event of Karbala’, and a denial of the essentials of religion, and some newspapers published and highlighted the whole text of the speech with an impressive headline! Unfortunately, the officials did not show sensitivity to these infamies. In the country where a revolution was staged in the name of Imam al-Husayn (‘a) and has survived in the name of Imam al-Husayn (‘a), the uprising of Imam al-Husayn (‘a) was blemished and it was concluded that if we do not want such incidents to happen and the Husayns of our time to be !killed, we must not have a violent attitude

I am now addressing the writer who has written in a newspaper with mass circulation that as I am allegedly talking in a vacuum and dealing with out-of-topic points, I have to reconsider continuing my series of talks. Am I talking in a vacuum or in the midst of ?the social atmosphere of my time? Is what I said not the hottest issue in our country

Do my talks not reflect the daily reality in this country? Should I reconsider my decision or should you, who was once a member of the international Islamic party and

p: ۲۴۸

(proud of supporting Fada’iyan-e Islam [the devotees of Islam]?(۱

At this juncture, I deem it necessary to quote a part of the late Imam’s (s) eloquent and problem-solving words to warn us of the cultural threats and conspiracies under :the guise of freedom

My advice to the Islamic Consultative Assembly, Presidents, Guardianship Council, Supreme Judicial Council and governments, now and in future, is to maintain the news agencies, the press, and the magazines in the service of Islam and interests of the country. We must all know that Western style freedom degenerates the youth, and it .is condemned by Islam and the intellect

Propaganda literature, written articles, speeches, books, and magazines that oppose Islam, public morality and interests of the country are haram [taboo or interdicted by religion] and it is incumbent on all Muslims to prevent their printing and distribution. Harmful liberty must be checked. If all that is haram, against the path of truth and the Islamic state,and contrary to the prestige of the Islamic Republic, is not decisively controlled, then all are to be held responsible. If any one, including a hizbullah [lit, the party of God] youth meet with a violation of these rules, he must report it to the appropriate authorities and if they fail to act then the people themselves must take (preventive measure.(٢

Islam's description of God's mercy and wrath

One of the Westerners' misgivings on Islam is that the God described in the Qur'an is ,wrathful

p: ٢۴٩

Fada'iyan-e Islam organization was established in ١٣٢٣ AHS (circa ١٩۴۴) by Martyr -١ Sayyid Mujtaba Nawwab Ṣafawi and one of the religious parties and organizations in Iran at the time with a long record of sound faith in Islam and in the role of the 'ulama' in leading the people. The assassination of 'Abd al-Husayn Hajir and General Razmara (the Shah's Prime Ministers) was one of this group's militant undertakings. Nawwab Ṣafawi and other members of the group were arrested by the Shah's agents in ١٣۴۴ [.AHS (circa ١٩۶۵) and were expeditiously tried and executed. [Trans

Imam Khomeini, Wasiyyatnameh-ye Siyasi-Ilahi [Political-Religious Testament], -٢ .Article ٢

harsh, furious and revengeful but the God of the Bible is forgiving, compassionate, benevolent, extremely tolerant, and so kind and affectionate that—God forbid—He sent His only son to be killed to save mankind and his blood to become the ransom for the sins of sinners! Is the God described in the Qur'an really harsh and wrathful, or ?merciful and compassionate

The reply to the abovementioned misgiving is that God has the Attributes of both

mercy and wrath. He is both “the Most Merciful of all the merciful” [arham ar-rahimin] and “the most severe of punishers” [ashadd al-mu‘aqibin]. Out of ۱۱۴ surahs [chapters] of the Qur’an, ۱۱۳ surahs begin with “In the Name of Allah, the All-beneficent, the All-merciful” [bismillah ’ir-rahman ’ir-rahim] and in both descriptions of Allah His Attribute of mercy is mentioned, i.e. “All-beneficent” [ar-rahman] and “All-merciful” [ar-rahim].

Only one surah of the Qur’an (Surah at-Tawbah or Bara’ah ۹) does not begin with “In the Name of Allah, the All-beneficent, the All-merciful” but in Surah an-Naml (۲۷) “In the Name of Allah, the All-beneficent, the All-merciful” is repeated twice. Apart from at the beginning of the surah, it is also mentioned in the middle, when Bilqis, the Queen of Sheba, reads the letter of Hadhrat Sulayman (Prophet Solomon) (‘a) which begins with “In the Name of Allah, the All-beneficent, the All-merciful” to her.(۱) In any case, “In the Name of Allah, the All-beneficent, the All-merciful” which contains two attributes of divine mercy is repeated ۱۱۴ times in the Qur’an. But

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۱- “It is from Solomon, and it begins in the name of Allah the All-beneficent, the All-merciful” (Surah an-Naml ۲۷:۳۰). [Trans.]

alongside the description of boundless divine mercy, some verses also reveals God’s attribute of wrath and anger. Take for example the following passages:

(...وَاللّهُ عَزِيزٌ ذُو انتِقَامٍ)

“...And Allah is all-mighty, avenger.”(۱)

(إِنَّا مِنَ الْمُجْرِمِينَ مُنتَقِمُونَ)

“...Indeed We shall wreak vengeance upon the guilty.”(۲)

(...فَبَآؤُوا بِغَضَبٍ عَلَى غَضَبٍ وَلِلْكَافِرِينَ عَذَابٌ مُهِينٌ)

“...Thus they earned wrath upon wrath, and there is a humiliating punishment for the faithless.”(۳)

If the Europeans describe their God as kind and merciful only and say that "Our God has no wrath and anger", then they have not correctly described God as described in Islam and the Qur'an. Our belief is that God's mercy supersedes and prevails over His :wrath and anger. Thus, God said

(...كَتَبَ عَلَىٰ نَفسِهِ الرَّحْمه...)

"...He has made mercy incumbent upon Himself..."(۴)

This concept is mentioned in many mutawatir traditions reported by both Sunnis and :Shi'ahs. It is mentioned in our supplications, thus

يَا مَنْ سَبَقَتْ رَحْمَتُهُ غَضَبَهُ!

"!O He whose mercy supersedes His wrath"

That is, God's mercy does not negate but rather prevails over His wrath. As long as divine wisdom, grace and favor demand it, His servants shall savor His grace and mercy and His wrath and anger shall not surface except when it is necessary for some people to incur His wrath and anger. As such, we can observe that God sent His wrath on the communities of 'Ad,(۵) Thamud(۶) and Lut (Lot)(۷) annihilating them, also .mentioning why in the Qur'an

It was because apostles of Allah repeatedly invited them to the path

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۱- Surah Al 'Imran ۳:۴.

۲- Surah as-Sajdah ۳۲:۲۲.

۳- Surah al-Baqarah ۲:۹۰.

۴- Surah al-An'am ۶:۱۲.

۵- [Trans.] See Qur'an ۷:۷۱-۷۲; ۲۳:۴۰-۴۱; ۲۶:۱۳۹; ۲۹:۳۸; ۴۱:۱۶; ۴۶:۲۵-۲۶; ۵۱:۴۱-۴۲; ۵۴:۱۸-۲۱.

۶- [Trans.] See Qur'an ۷:۷۳, ۷۸; ۱۱:۶۶-۶۷; ۲۶:۱۵۸; ۲۷:۵۱; ۵۱:۴۴-۴۵.

۷- See Qur'an ۷:۸۴; ۱۱:۸۱-۸۳; ۱۵:۶۶, ۷۳-۷۴, ۷۹; ۲۶:۱۷۲-۱۷۳; ۲۷:۵۸; ۲۹:۳۴; ۵۱:۳۲-۳۷; ۵۳:۵۳; ۵۴:۳۴, ۳۷-۳۸; ۶۹:۹-۱۰. [Trans.]

of guidance and, miracles and divine signs were also shown to them. Yet, they chose rebellion and corruption, and did not give up their wicked and abominable acts. They further indulged in sins and defied the commands of God and His apostle and incurred .the wrath and anger of God to serve as a moral lesson for the corrupt and obstinate

Islam is based upon mercy and compassion, not harshness and violence, and its guiding principle is mercy. However, in certain cases the Creator needs to use strictness, severity of action and violence in order to correct the totally misguided. Logically, a God should possess the attribute of mercy as well as that of wrath, anger .and vengeance

The necessity of confronting enemies and hypocrites, and eliminating impediments to guidance

Islam initially calls for the guidance and enlightenment of people. At the same time, the Qur'an enjoins struggle against those who hinder the spread of the message of the apostles, the Prophet of Islam in particular. As such, during the time of the Apostle (s) and the Infallibles ('a), jihad was initially ordained to remove the impediments to the guidance of people. On this basis, when the Prophet of Islam (s) began his prophetic mission, the issue was not whether he could interfere in the affairs of the .Byzantium or Persian empires

The truth of the matter is that the Apostle (s) was sent for the guidance of all mankind. So, if someone, be it the Shah of Persia or the king of Byzantine, opposed the invitation of the

Apostle (s), it was incumbent upon him to wage war against him. For this reason, he sent letters to the different leaders of the world at that time, inviting them to Islam and asking them to make way for him and his envoys to guide the people in their .respective countries

Thus, jihad is one of the indisputable principles of Islam and all Muslim sects—Sunnis

and Shi‘ahs—unanimously agree on it without having any dissenting opinion, and the reason behind the waging of war and jihad against the leaders of unfaith was that they hindered the guidance and enlightenment of their people and the message of the Apostle (s). As such, in order to remove these obstacles, the Messenger of Allah (s) was duty-bound to wage war against them. Given these facts, how can one say that Islam does not permit and deem necessary to wage war and jihad? Can we dismiss and conceal the Qur’anic verses about jihad and the struggle against the faithless, the ?hypocrites and enemies of Islam

Yes, war and resistance against the enemies of God is one of the indisputable principles of Islam. It is true that in the decrees on jihad Islam has enjoined the observance of the highest humanitarian principles, but at the same time, it emphasizes that we have to fight the obstinate and those who consciously oppose the :truth, the religion of God, and, violate treaties

(فَقَاتِلُواْ أَئِمَّةَ الْكُفْرِ إِنَّهُمْ لاَ أَيْمَانَ لَهُمْ لَعَلَّهُمْ يَنتَهُونَ)

Then fight the leaders of unfaith—indeed they have“

p: ٢٥٣

(no [commitment to] pledges—maybe they will relinquish.”(١

Similarly, in Surah at-Tahrim, verse ٩, and Surah at-Tawbah, verse ٧٣, God commands the Apostle (s) and the Muslims to fight the faithless and the hypocrites, and deal with :them sternly and violently

(إِنَّمَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِى الدِّينِ وَأَخْرَجُوكُم مِن دِيَارِكُمْ وَظَاهَرُوا عَلَى إِخْرَاجِكُمْ أَن تَوَلَّوْهُمْ)

Allah forbids you only in regard to those who made war against you on account of“ religion and expelled you from your homes and supported [others] in your expulsion, (that you make friends with them.”(٢

(يَا أَيُّهَا النَّبِيُّ جَاهِدِ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَمَأْوَاهُمْ جَهَنَّمُ وَبِئْسَ الْمَصِيرُ)

O Prophet! Wage jihad against the faithless and the hypocrites, and be severe with“

(them. Their refuge shall be hell, and it is an evil destination."(۳

The said writer has written that the verses on jihad pertain to the faithless and did) not notice that in the abovementioned verse God had ordered jihad against the (.hypocrites from within the community in addition to the faithless

:Elsewhere, God also says thus

(يَا أَيُّهَا الَّذِينَ آمَنُوا قَاتِلُوا الَّذِينَ يَلُونَكُم مِّنَ الْكُفَّارِ وَلْيَجِدُوا فِيكُمْ غِلْظَةً وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ)

O, you who have faith! Fight the faithless who are in your vicinity, and let them find" (severity in you, and know that Allah is with the God-wary."(۴

In the above mentioned verse, God commands the Muslims to fight the faithless who are living in their vicinity, not to be heedless of them, and express their wrath, severity and firmness to their faithless neighbors so that they are

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.Surah at-Tawbah (or, Bara'ah) ۹:۱۲ -۱
.Surah al-Mumtahanah ۶۰:۹ -۲
.Surah at-Tawbah (or, Bara'ah) ۹:۷۳ -۳
.Surah at-Tawbah (or, Bara'ah) ۹:۱۲۳ -۴

afraid and do not commit treachery and hatch any plot. God also says in another :verse, thus

(وَأَعِدُّوا لَهُم مَا اسْتَطَعْتُم مِن قُوَّةٍ وَمِن رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ وَآخَرِينَ مِن دُونِهِمْ لاَ تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ...)

Prepare against them whatever you can of [military] power and war-horses, and" create awe thereby in the enemy of Allah, and your enemy, and others besides them, (whom you do not know, but Allah knows them..."(۱

I advise those who are familiar with Arabic literature to see for themselves the) equivalent of the word irhab in other languages. If I would mention it myself, (.newspapers will place headlines saying so-and-so supports terrorism

In any case, the Qur'an has enjoined severe and harsh treatment of those who cannot be dealt with logically, who impudently obstruct the path of guidance, enlightenment and invitation of the Apostle (s), and consciously wage war against Islam out of animosity and contumacy. The Muslims are further instructed to strike dread and fear in them so that they do not entertain the idea of attacking, betraying and rendering a blow to the Muslims. It cannot be said to them: "Your religion is for you, and our religion is for us. Let us live together peacefully under the bond of ".brotherhood and friendship

Opposition to the penal and criminal laws of Islam

Some writers express their protest to us, arguing that Islam has issued orders in relation to the faithless that one should deal with them strictly and harshly, and not with

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.Surah al-Anfal ۸:۶۰ -۱

the Islamic state's own citizens. They forget that Islam has set in its penal code severe punishments or penalties for certain crimes, violations and offenses when committed by Muslim citizens. Regarding a thief, for instance, Islam has commanded that his hand be amputated. Regarding adultery or fornication [zina] and other .indecent acts, it has commanded that the guilty be punished

For example, the fornicator must receive a hundred lashes. In some cases, it has set the penalty of execution for some acts of indecency. In reality, the penalties set by Islam for these types of crimes are very harsh and unbearable. It must not be lost sight of that Islam has set difficult conditions to prove some crimes against chastity, like zina. On account of these difficult conditions, these crimes can rarely be proven .and the punishments implemented

The existence of religious punishments and ordinances prompts the enemies of Islam to use them as a tool and weapon against Islam, claiming that Islam violates human

rights, acts violently in implementing its penal laws, and disregards human dignity. Yes, the enemies and pretentious human rights activists assert that the amputation of the hand of a Muslim who has committed theft is an inhuman and violent act and is repugnant to human dignity because the person whose hand is amputated is deprived of an important body limb for the rest of his life and is known in society as a thief.

On the contrary, in their alleged defense of Islam some people

p: ۲۵۶

say that those penal laws are related to a specific time in the past, and today there are better ways to maintain security and prevent theft and other crimes, and there is no need for a thief's hand to be amputated. If there were really better ways of maintaining security and preventing crimes, a crime should not be committed every ۱۵ minutes in America, as it actually does, and there should be no need for a number of policemen to be stationed in high schools.

Those who say with utmost impudence that the Islamic penal laws are abrogated, because they are violent and related to ۱,۴۰۰ years ago and accepted by no one, seem to have forgotten that the Imam branded as apostates [murtaddin] those who called the bill on retaliation [qisas] inhuman and demonstrated against it, saying that their spouses were haram for them, their blood permissible to be shed, and their properties transferrable to their Muslim legatees?

Yes, the American human rights activists condemn and present as inhuman and harsh the penal laws of Islam. We would like to tell them that we acknowledge that in some cases the penal laws of Islam are severe. At the same time, we defend the severe laws of Islam and are willing to face the well-planned conspiracies against them. We do not accept these laws to have been abrogated for we firmly believe that "Whatever Muhammad (s) declared halal shall be halal till the Day of Resurrection and whatever Muhammad (s) declared

p: ۲۵۷

".haram shall be haram till the Day of Resurrection

We staged a revolution in order to implement the laws and ordinances of Islam. In fact, the Shah also used to say: "What I am saying is in accordance with the spirit of Islam and the clerics are reactionary and in error!" The laws and decrees mentioned in the Qur'an or promulgated by Islam must be implemented—the same Islam for whose sovereignty its beloved children offered their blood in the past, and are ready to sacrifice their lives for its sake today; the same Islam presented by the Supreme .Leader, saying: "Pristine Islam is the very Book and Sunnah

The divine laws and decrees must be inferred from these two magnificent sacred sources by using the appropriate method and way of ijtihad. Those who do not accept this Islam have basically not accepted Islam because we have no Islam other than ".this one

Violent measures not confined to the domain of penal and criminal laws

One of the writers had written in his article published in a newspaper that the cases of hudud and ta'zirat and the violent actions permitted in Islam are related to penal laws. We also accept that the laws Islam has set for criminals, violators and offenders are more or less severe. But the violence under discussion which we condemn is not .related to the penal laws of Islam

Essentially, the penal laws of Islam have not been the subject of discussion on violence. He has asserted that I am discussing matters not related to my

topic. Some newspapers have headlines saying that I am speaking outside the scope of my topic! Let me say that the subject of my discussion is the cultural deviations in our society. It is written in the same newspapers that the murder of the Doyen of the Martyrs ('a) was the repercussion of his grandfather's harshness in the Battle of Badr! O judge and lawyer who writes in the newspaper about me, tell me: What does the one who has expressed such an opinion about the martyrdom of Imam al-Husayn ('a) mean by violence and what type of violence does he negate? I am talking about the

.same cases, instances and topics discussed in society

I am talking about the instances of exploitation of concepts like violence, freedom and moderation. For example, they have said: "The Battle of Badr was an instance of violence; hence, Islam is a religion of violence!" Do you still say I have gone off the ?topic

One can easily argue: "We deny those insinuations and exploitations. We do not regard Islam as a religion of violence. Our question is: Can the people also act violently, enter the scenes of action and resort to physical measures beyond the framework of official police function? "Do you regard the Islamic Revolution as violent or not? Those who can remember the event that happened in Tehran on September ۸, ۱۹۷۸ (Shahrivar ۱۷, ۱۳۵۷ AHS) know what our dear youth and heroic people did (against the Pahlavi regime.(۱

Were the demonstrations

Shahrivar ۱۷, ۱۳۵۷ AHS (September ۸, ۱۹۷۸), later named as the "Black Friday", is one -۱ of the most eventful days of the Islamic Revolution in Iran. In pursuit of the splendid and grand demonstrations held in Tehran on Shahrivar ۱۳ (September ۴) and the ʿĪd al-Fitr congregational prayers, similar demonstrations were also held in Tehran on Shahrivar ۱۶ (September ۷) and arrangements were made for other demonstrations for the next day (Friday) to be held in the Zhaleh Square of the capital. Early on Friday, the people streamed into the Zhaleh Square such that by ۶ in the morning some one hundred thousand people were gathered there. The Square was surrounded by the Shah's military units on all sides with machinegun barrels aimed at the people from every side. At this hour, the radio unexpectedly announced that martial law is declared for Tehran and ten other cities. Immediately after the announcement, machinegun volleys strafed the crowd. On this occasion more than ۴,۰۰۰ people were killed and several hundred were wounded. The Shah's regime placed the figures at ۵۸ [.killed and ۲۵ wounded! [Trans

and actions of people against the Pahlavi regime violent or not? Were they appropriate or not? Did Islam allow those actions and movements or not? If Islam did not allow them, then the revolution becomes illegal because Islam is devoid of violence and it does not permit violent actions! Similarly, were the sacred blows rendered by the late Nawwab Safawi(۱) and other members of the Fada'iyan-e Islam to the Pahlavi regime appropriate and proper, or inappropriate and improper? It was on the basis of their valuable revolutionary actions that their names are immortalized in our country and held in high esteem and regard, and nowadays, some streets in Tehran and other cities are named after them. The same question also applies to the dear brothers of the Coalition of Islamic Societies [Hay'at-ha-ye I'tilaf-e Islami], viz. Martyr Muhammad Bukhara'i and his dear colleagues who sent to hell the henchman premier of the Shah.(۲)

One can say that they should not have acted violently. They should have peacefully formed an official party and sat on the negotiating table with the Shah's regime and presented their demands and stances. But would anyone have listened to them. If the regime had really listened to them, they would not have been forced to resort to violent actions. When they saw that nobody was listening to their legitimate demands, they had no option but to resort to violence.

That judge might say: "I condemn those violent actions. They should have behaved with utmost sobriety, patience, fortitude, and

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۱- Martyr Sayyid Mujtaba Nawwab Ṣafawi was the founder of Fada'iyan-e Islam. [Trans.]

۲- Prominent figures of the Coalition of Islamic Societies were responsible for the assassination of Prime Minister Hasan-'Ali Mansur who was responsible for the passage of the capitulation bill in ۱۹۶۳ under which all of the US political agents, diplomats, advisors, and military advisors as well as their immediate family members were granted political and legal immunity in Iran. [Trans.]

composure, and pursued solving their problems and securing their demands!" Let me ask: "Did you silence and stop those violent groups who poured into the streets after Tir ۱۸, ۱۳۷۸ AHS, staged riots, set mosques on fire, destroyed public and private property, removed headscarves of women, and chanted anti-Islamic slogans with smiles, flattery and embrace? Or, was it not our own beloved basijis who came to the scene, risked their lives, faced dangers, and stopped the rioters? It is indeed regrettable that no one ever recognized and appreciated what they did. They came to the scene for the sake of God, to defend Islam and the Revolution, and God will .abundantly recompense them

That gentleman might still say: "We condemn the actions of the basijis in suppressing and dispersing the seditionists, rioters and foreign mercenaries. No confrontation with them should have taken place. They were free to express their views and stage a protest." According to the Americans, those who staged the uprising, poured into the streets, and burned mosques were freedom-lovers. So, they had the right to say that they wanted freedom and not religion! Exactly what that gentleman said in his speech, '!'people have the right to demonstrate even against God

If he says, "When they sensed that the government would not listen to them if they openly said that they did not want Islam or religion, they were forced to vandalize public and private property, set mosques on fire and chant anti-Islamic slogans in ;order to be heard

p: ۲۶۱

so, their action was justifiable but not that of those who stopped them," we will tell him, "So, finally, you also permit violence, because you have to endorse one of the two actions: either you have to say that the action of those who poured into the streets, burned mosques, and chanted slogans against Islam and the system was justifiable, though violent or, you have to say that the action of the basijis, the masses and the disciplinary forces in stopping the rioters was appropriate and justifiable, though ?violent. Now, which violence do you deem permissible

We do not support or encourage opportunists who change their stances and principles. For us the criterion is the architect of the revolution, His Eminence Imam Khomeini (q). We learned from him the sublime laws and government of Islam. He said: "If the hizbullahi youth and people witness propaganda, articles, books, and magazines repugnant to Islam, public decency and national interest, they must report .them to the appropriate authorities that are duty-bound to attend to such things

But if the concerned authorities fail to act and check these deviations and sinister propaganda by legal means, then there is no other option but for the religious people and youth themselves to take preventive measures, and, incumbent upon every .Muslim to take action

When the apostate Salman Rushdie wrote The Satanic Verses in which he insulted the Holy Apostle (s) and ascribed many abominable and unscrupulous things to the Qur'an and the Apostle (s), Imam Khomeini issued the

death sentence for him and declared it incumbent upon every Muslim to kill him whenever he had access to Rushdie. Indisputably, the said religious edict [fatwa] and decree [hukm] was not confined to the Imam only as other fuqaha also issued the .same edict and Muslim countries endorsed it

Now, the question is: Was the edict of the Imam not violent? It is clear that the Imam also regarded permissible and even exigent a violent action against a person who presumptuously insults the essentials of religion and indisputable principles of Islam, who intends to plot and render a blow to Islam and cast aspersion against Islamic sanctities, and the Imam described such person as an apostate who, the Quran says, .must be executed

Islam and the need to answer all academic objections under all circumstances

Of course, if a person has no intention of hatching a plot and rendering a blow, but a question regarding the essence of religion and the essentials and laws of Islam, he may raise it and one must listen to him with utmost respect and answer him logically

and rationally. It is because Islam is the religion of logic and based on argument and proof. It wants the Muslims, the ‘ulama’ in particular, to answer questions and objections under all circumstances with utmost composure, forbearance and openness, by the use of sound logic and rational and textual proofs to prove the .truthfulness of Islam

As such, the Qur’an even says that if at the time of battle one of the enemy’s army raises a white flag and comes

to the Muslims to search the truthfulness of Islam and ask a question, the Muslims are duty-bound to provide him with escorts and guards for his protection, to listen to him with utmost kindness and benevolence, and convey the truth to him by presenting reasons, proof and evidence. Thereafter, while providing him with escorts and guards :he should be sent to his original place even if it is in the midst of the enemy’s army

(وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ)

If any of the polytheists seeks asylum from you, grant him asylum until he hears the“ Word of Allah. Then convey him to his place of safety.”(۱)

The Qur’an says that even if the person who came to research and ask questions did not accept Islam and become a Muslim, he must still be provided escorts to return to his place of safety. No one should hinder him because he has come in the first place to ask questions. His safety must be guaranteed and his questions answered. Where in ?the world and in which school of thought is such sublime humane treatment enjoined

However, if out of contumacy and plot to topple the Islamic system, a person raises objections casts doubt upon the beliefs, principles and values to which the Muslims are strongly attached, he must be dealt with. He is different from one who has questions and doubts and sincerely wants to pose his question and get

.Surah at-Tawbah (or, Bara'ah) ۹:۶ -۱

.an answer

Confronting the conspiracies and reaction of foreigners

One must not sit idly vis-à-vis the extensive cultural and propaganda activities of the enemies of Islam and their mercenary agents from within that target the religious principles, values and beliefs of the people. They have certainly hatched an extensive plot through activities carried out under the garb of cultural exchange, but their agents write in newspapers that there is no conspiracy in the offing, and claiming that it exists is nothing but an illusion. However, the unfolding of recent disturbances and trends in line with the same activities and cultural policies of the enemy revealed to .the people the truth behind the existence of a conspiracy

Those actions and demonstrations against the Islamic system, attack on government establishments, and riots and disturbances indicated that there was a serious conspiracy behind the event against the Islamic system, already confirmed by the Supreme Leader. It was on account of this reality that when the devoted children of this heroic nation put a stop to the rioters, rascals and rogues and extinguished the fire of sedition, a wave of support for them and condemnation of the Islamic system swept across the West. Many members of the American legislative body even demanded the official condemnation of the Islamic Republic of Iran and enactment of a law against it because the Islamic state confronted foreign mercenaries and agents !and did not allow the rioters to do what they wanted

In different parts of the world strikes and skirmishes take place everyday and

some people get killed or wounded. On a daily basis, we witness the Zionist regime firing on Muslims who are clamoring for their rights, killing some of them. Even in some regimes supported by America, hundreds of people are killed by their respective regimes. Yet, no one condemns them and says that the crackdown on them is against freedom. Instead, those regimes are fully supported and it is claimed

that those killed people revolted against legitimate governments who had the right to .defend themselves

But when a hue and cry was raised in Iran and someone was suspiciously killed in a university and the killer could not be identified—as expected, he might be one of the enemy’s infiltrating agents and the rioters themselves—or another person was incidentally killed on the scene, and also, when a number of rioters and rogues poured into the streets, burned mosques and violated the chastity of people and were confronted by the revolutionary forces, a great reaction was seen in the Western countries, America in particular, and our government was condemned for its alleged opposition to freedom and democracy. It was claimed that the demonstrators were in pursuit of freedom and the grant of their rights but Iran had suppressed them. As a result, apart from condemning the Iranian state, they attempted to enact a law to !campaign against the Islamic state of Iran

The Qur’an and the need to repudiate and be inimical to its enemies

We can conclude that firstly, Islam describes God as having the attributes of both mercy and wrath. His mercy being greater

p: ۲۶۶

prevails over His wrath but it does not mean that His mercy negates His wrath. In fact, on account of their persistence in sins some communities earn the anger of God and .they incur His wrath and punishment

Secondly, Islam has severe and harsh decrees against the enemies and opponents of Islam, and it enjoins Muslims to openly express abhorrence for the enemies of God. It is appropriate for friends to study Surah al-Mumtahanah in which Muslim behavior toward the polytheists and faithless has been described and those who plan to befriend the enemies of God are rebuked, and God warns us of secretly reconciling .with the enemies of Islam and establishing friendship with them

In the said surah, God commands the Muslims to learn a lesson from Ibrahim (Abraham) (‘a) and his companions and make his attitude toward the polytheists and

enemies of God as the model, and not smile at the enemies, hypocrites, and the enemy’s open and secret agents who are determined to annihilate Islam and the !Muslims

(یَا أَیُّهَا الَّذِینَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّی وَعَدُوَّکُمْ أَوْلِیَاء تُلْقُونَ إِلَیْهِم بِالْمَوَدَّهِ وَقَدْ کَفَرُوا بِمَا جَاءَکُم مِنَ الْحَقِّ یُخْرِجُونَ الرَّسُولَ وَإِیَّاکُمْ أَن تُؤْمِنُوا بِاللَّهِ رَبِّکُمْ إِن کُنتُمْ خَرَجْتُمْ جِهَادًا فِی سَبِیلِی وَابْتِغَاءَ مَرْضَاتِی تُسِرُّونَ إِلَیْهِم بِالْمَوَدَّهِ وَأَنَا أَعْلَمُ بِمَا أَخْفَیْتُمْ وَمَا أَعْلَنتُمْ وَمَن یَفْعَلْهُ مِنکُمْ فَقَدْ ضَلَّ سَوَاءَ السَّبِیلِ)

O you who have faith! Do not take My enemy and your enemy for friends, [secretly]“ offering them affection (for they have certainly defied whatever has come to you of the

p: ۲۶۷

truth, expelling the Apostle and you, because you have faith in Allah, your Lord) if you have set out for jihad in My way and to seek My pleasure. You secretly nourish affection for them, while I know well whatever you hide and whatever you disclose, (and whoever among you does that has certainly strayed from the right way.”(۱

(قَدْ کَانَتْ لَکُمْ أُسْوَهٌ حَسَنَهٌ فِی إِبْرَاهِیمَ وَالَّذِینَ مَعَهُ إِذْ قَالُوا لِقَوْمِهِمْ إِنَّا بُرَاء مِنکُمْ وَمِمَّا تَعْبُدُونَ مِن دُونِ اللَّهِ کَفَرْنَا بِکُمْ وَبَدَا بَیْنَنَا وَبَیْنَکُمُ الْعَدَاوَهُ وَالْبَغْضَاءُ أَبَدًا حَتَّی تُؤْمِنُوا بِاللَّهِ وَحْدَهُ...)

There is certainly a good exemplar for you in Abraham and those who are with him,“ when they said to their people, ‘Indeed we repudiate you and whatever you worship besides Allah. We disavow you, and between you and us there has appeared enmity (and hate for ever, unless you come to have faith in Allah alone...”(۲

They tell us, “Talk about life and do not chant the slogan, ‘Death to America’ anymore.” Never! The slogan “Death to America” must be chanted and moreover, like Ibrahim (‘a), we have to tell them, “So long as you do not submit humbly to the truth, bow down meekly to God, desist from hegemony and arrogance, stop from treading your way, end up plundering the resources of people around the world, and .discontinue your crackdown on free nations, there is enmity between us and you

While they have plundered wealth and resources of our country and other countries,

brought enormous losses to us, rendered a blow

.Surah al-Mumtahanah ۶۰:۱ -۱

.Surah al-Mumtahanah ۶۰:۴ -۲

to our honor and dignity, and killed a number of our beloved ones, how can we befriend and express affection for them? Are the hundreds of experiences in the world not enough for us to realize that they do not think of anything but dominance ?and their interests, and that we should not be deceived again by them

Thus, Islam and the Qur'an command us to openly disavow and repudiate the enemy. If we follow this Islam or Qur'an, how can we dare to say that one must smile at ?everyone and be kind to all

Session ۳۸: Confrontation of Western Ideas and Beliefs' with Islamic Laws

The Constitutional Movement and propagation of Western values

In the sketched discussions on Islamic political theory we mentioned some of the influences of Western atheistic culture in our society and dwelt on the contributory factors for their emergence so that our people, especially the dear youth, future builders and inheritors of this revolution, would not succumb to them. Some of the .influences that we examined in the past session were freedom and democracy

Since the beginning of the Constitutional Movement, the freemasons and xenomaniacs borrowed multifaceted and many-sided concepts, such as freedom and democracy prevalent in the West, and promoted them in our Islamic society. Since our people were suffering from the oppression and tyranny perpetrated by the willful and despotic courtiers, they easily responded to the clarion call of freedom. The .people welcomed with open arms those who chanted the slogan of liberty

Consequently, the said slogan was transformed into a populist and universal slogan, and the inclination towards freedom and freedom-loving

became generally accepted. Of course, what the people were aspiring for was freedom from the yoke of willful and despotic regimes inimical to Islamic values. However, what the xenomanics and darlings of the West were pursuing was the other dimension of the concept, i.e. freedom from the grip of Islam. By chanting the slogan and promoting the concept of freedom, they were trying to keep the people away from Islam so that they would no longer be attached to Islamic laws, ordinances and .values

Similarly, the people who suffered at the hands of the oppressive regime, khans and feudal lords, hailed the slogan of democracy through which they demanded mastery over their own destiny, and did not want oppressive rulers, capitalists and landlords to chart it for them. This was the acceptable dimension for our society. But those who used to promote this concept in its general sense and invite others to do the same had a different motive in chanting the slogan of democracy, i.e. to remove religion from the political arena of society, and replace Islamic or religious values with the people's .will and demand

Those who were unaware of this objective of the xenomaniacs and freemasons accepted this slogan completely. But those who were farsighted strongly reacted and putting their lives in danger took on the responsibility of informing and enlightening the people of the conspiracy by showing that absolute freedom and democracy that contradicts Islam and its decrees are condemned and rejected by Islam and its sacred

.laws

The "crime" of Martyr Shaykh Fadhlullah Nuri was his opposition to Western democracy and constitutionalism that were heedless of religious or divine values, and his advancement of "religiously legitimate constitutionalism" [mashruteh-ye mashru'eh] vis-à-vis "absolute constitutionalism" [mashruteh-ye mutlaqeh]. He used

to say: “We do not accept constitutionalism as absolute. We accept constitutionalism which is consistent with Islamic laws, ordinances and decrees, but others talk about absolute constitutionalism and it is not important for them whether it is consistent with religion or not.” To advance their disdainful objective, they sent that distinguished religious scholar to the gallows and made him attain martyrdom on the charge of supporting despotism and opposing constitutionalism. This dispute or clash between the fundamentalists and Islamists, on one hand, and the hypocrites and .xenomaniacs, on the other, continues up to now

Some writers’ displeasure at the presentation of ideal freedom in Islam

On one occasion last year, I discussed freedom and democracy and I said that absolute freedom is unacceptable in our Islamic culture and Constitution, and what is acceptable is conditional freedom. As provided in Article ۴ of the Constitution, the constitutional provisions, statutory laws, ratified bills, and ordinances issued by concerned authorities are binding provided that they are not inconsistent with and .repugnant to the fundamental principles of Islam

So, even if only one provision of the Constitution is against the general acceptance of Qur’anic verses and traditions, it is not binding as a whole! Our people approved this constitution. As such, it is impossible for the people who have staged a revolution for the revival of Islam

and also expressed their desire to protect the position and station of Islamic laws and decrees in the constitution and not to yield to non-Islamic values. These people .accepts freedom within the framework of Islamic laws and values

After making this discourse, many newspapers launched a campaign against me, publishing numerous articles accusing me of opposing freedom and democracy and supporting dictatorship and despotic rule. They even said that so-and-so (alluding to me) wants Iran to go back to the period of intransigence prior to the Constitutional Movement! Nevertheless, fair-minded Muslim writers supported my views, arguing

that what is acceptable to our society and should be defended is legitimate freedom within the framework of Islamic laws and decrees. Officials of the system also .stipulated this point time and again

Islamic decree on enemy combatants and agents of corruption on earth

We have said that those who talk about freedom as absolute, without limit and boundary, and consider violence as something absolutely wrong, say that one should not resort to violence even against those who rise up against the system and resort to violence. They must be treated with kindness, benevolence and divine mercy. Undoubtedly, their outlook is wrong. If the criminals and violators are not dealt with seriously and decisively, and in case of necessity, brute force or violence is not used, the path will be open for a repetition of riots and crimes. Islam commands that enemy .combatants and agents of corruption on earth must be dealt with decisively

In general, violation of government decrees or resorting to violence is

sometimes individual in nature and at times collective in nature. It has a social or collective dimension when an organized group engages in an armed struggle against the government. This group is described in jurisprudence [fiqh] as "seditionists" [bughah or ahl al-baghy]. One of the classifications of jihad discussed in Islam is the jihad against this group, i.e. war against seditionists. Members of organized groups that stage an armed struggle against the Islamic government must be confronted and made to surrender to the Islamic government, and one must not compromise .with them

There is also a time when resorting to violence against the government or revolt against the Islamic ordinances is not done by an organized group. It is rather an individual movement with one or two persons disrupting order in society, violating public property and honor, or striking fear and terror by the use of hard or soft power. This kind of individual is known as "enemy combatant" [muharib]. In dealing with the muharib, there is no need for a military expedition. Instead, these individuals will be

convicted by the Islamic court and the Islamic state will execute the decree of the .Islamic judge

Depending on the decision of the judge, one of the four decrees determined by Islam for the muharib and "agent of corruption on earth" [mufsid fi'l-ardh] shall be executed. (١) He shall be sent to the gallows; (٢) he will be put to the sword or executed by a firing squad; (٣) His right hand and

left foot, or left hand and right foot shall be amputated; or (۴) he shall be banished :from the Islamic land

(إِنَّمَا جَزَاء الَّذِينَ يُحَارِبُونَ اللّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِی الأَرْضِ فَسَادًا أَن يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُم مِّنْ خِلافٍ أَوْ يُنفَوْا مِنَ الأَرْضِ ذَلِکَ لَهُمْ خِزْیٌ فِی الدُّنْيَا وَلَهُمْ فِی الآخِرَهِ عَذَابٌ عَظِيمٌ)

Indeed the requital of those who wage war against Allah and His Apostle, and to try" to cause corruption on the earth, is that they shall be slain or crucified, or have their hands and feet cut off from opposite sides or be banished from the land. That is a disgrace for them in this world, and in the Hereafter there is a great punishment for (them."(١

Hence, those who stage riots and insurrection against the Islamic government or system are enemy combatants and agents of corruption on earth, and Islamic punishments shall be meted out to them. Islamic punishments or penal laws have never been abrogated. Those who oppose Islamic culture say that Islamic penal laws or punishments are violent, and generally, any violent action is condemnable. In our discussion related to violence, we have said that just as absolute freedom is not .laudable, all violence is not condemnable and reproachable

In fact, some forms of violence are necessary and permissible. One must deal violently with those who resort to violence, for if they are treated kindly and .compassionately, it is actually a green light for them to stage a riot again

The consequences of the lack of decisive step against conspirators

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.Surah al-Ma'idah ۵:۳۳ -۱

AHS, there were limited riots in some parts of our country. For certain reasons, military officials preferred to show tolerance to the rioters and did not deal with them decisively. It was this appeasing and flexible treatment of theirs that prompted the rioters to create another disturbance whose scope and extent of damages and losses .were far-reaching and unbearable

If these rioters and agents of corruption on earth are not confronted and the Islamic penalty not implemented on them, there will be no guarantee that they will not riot again under a certain pretext and exploit the university atmosphere. Our dear Muslim students are very vigilant and wary and had no hand in the riots and disturbances. But there are those who exploit the honest feelings of the students and prepare the .ground for another riot

So, if rioters are not dealt with decisively, and in the words of the gentlemen, no violent action undertaken, what is the guarantee that these riots will not be repeated? It must be borne in mind that Islam has set severe penal laws against thieves and other criminals, especially the muharib, so that no one dare commit treachery and create disturbance, and be afraid of the penalty they will incur. In fact, the issue of frightening the enemy and criminal contains great wisdom as mentioned in the :Qur'an, which the Muslims must pay attention to

(وَأَعِدُّواْ لَهُم مَا اسْتَطَعْتُم مِن قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدْوَّ اللّهِ وَعَدُوَّكُمْ وَآخَرِينَ مِن دُونِهِمْ لاَ تَعْلَمُونَهُمُ اللّهُ يَعْلَمُهُمْ...)

Prepare"

against them whatever you can of [military] power and war-horses, create awe thereby in the enemy of Allah, and your enemy, and others besides them, whom you

(do not know, but Allah knows them…”(١)

Among the cases in which violence even on the part of the people is permitted is where the Islamic country is in danger and a conspiracy against the Islamic system has been hatched and the Islamic state alone is incapable of defending the Islamic system. When the Islamic state senses that there is a conspiracy at work against the system, it is duty-bound to take steps. If steps taken by the state are not sufficient, .people are bound to rush to the assistance of the Islamic state and defend it

As witnessed by everybody, after the riots and disturbances staged by rogues, rascals and foreign mercenaries in the month of Tir this year, the system was in great danger and the government forces alone were incapable of deterring and stopping the rioters. Seeing this, the people and the beloved basijis rushed to their assistance and promptly put an end to the sedition of foreign agents. Some high-ranking officials of the system also admitted that the disturbance came to an end due to the efforts of .the beloved basijis

Thus, if there is a conspiracy at work against the Islamic system and there are solid proofs and decisive evidence substantiating it and there is no option but to resort to violence in order to thwart it, violence becomes indispensable

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.Surah al-Anfal ٨:۶٠ -١

and obligatory. As the Imam said, “Here, taqiyyah [dissimulation] is haram and one must rise up otherwise we will fail to convey the message. When Islam itself is in danger, there is no room for taqiyyah on account of either precaution or fear. One must stand up, to defend the essence of Islam even if thousands of people have to be killed. Therefore, in case some elements have the intention of overthrowing the system it is obligatory upon those who have proof to act by themselves, even if others are unaware of the impending danger or they do not deem it expedient to take any .steps. The act of violence here, is also permissible

I do not mean that in all cases one must resort to violence. I am not a theoretician on violence. Rather, I believe that mercy and kindness are the guiding principle and only in case of necessity and emergency one must resort to violence. My point is that when the Islamic state is established, the Islamic state must act according to the decree of the court or concerned authorities. But if the situation is beyond the control of the Islamic state and in order to protect Islam and the system, the people have no option .but to stage a violent uprising, violence is obligatory

Irresponsible stances against the issue of violence

Following the subjects I discussed about violence, Westernized periodicals called for public mobilization against my words and many articles were published in newspapers. Of course, I personally

p: ۲۷۷

thank all those who talked or wrote an article in favor or against my words. I believe that not only the examination and criticism of these subjects and discussions in periodicals are not harmful, but they contribute towards the enlightenment and awareness of the people, strengthening their beliefs and making them understand their duties, provided the periodicals do not judge unjustly and publish the complete .arguments of both parties

But unfortunately defective reports are submitted to some officials in which my statements are quoted out of context. As a result, these officials are upset and .immediately start opposing me

I do not expect others to conform to my statements. Neither am I afraid of their opposition. I am performing my divine religious duty. If someone likes my speeches, so be it. If another person dislikes my speeches, I entrust my work to God and am not afraid of the threats and insults. However, I expect those who are proponents of tolerance and acceptance of the ideas of others and exponents of plural and multi-voiced societies to magnanimously listen to my speech with an open mind. In many cases, after listening to all my speeches, they will conform to all my points and if ever

they have any reservations, they will react to my points with logic and proof, and not .disagree with me by using expressions devoid of courtesy and elegance

Regrettably, I cannot reply in writing to all those who expressed affection in speeches, newspapers and periodicals and presented a

p: ۲۷۸

subject in my favor or against me, and in the past two weeks wrote hundreds of articles. At this moment, I cannot also verbally reply to each of them. As such, I shall avoid answering them with the hope that they have taken stances with the intention of seeking the pleasure of, and proximity to, God. We know that it is our duty to discuss subjects needed and favorable to Islam by using logic and proof. I expect .those who dislike them to respond to me logically and fairly

An examination of the synonym of the word "violence" in the Qur'an

At this moment, I deem it necessary to summarize the subjects about violence and its subtopics. Essentially, the word khushunat is Arabic and it is also used in the Persian language and literature to mean roughness [zibri] or coarseness [doroshti] while its antonym is layn which means "soft". In the Qur'an the word khushunat is not used as .[the opposite of layn but rather the word ghalzah [severity

Actually, these two words are synonyms. Just as we have many synonymous words in Persian, there are also many synonymous words in Arabic. In the Qur'an, sometimes only one term is used, and at other times, both synonymous terms are used. At times, each of the terms implies a specific meaning. For example, the word qalb [heart] means one thing and the word fu'ad [heart] means another. Sometimes, these words are used interchangeably. In the Qur'an, the word ghalzah [severity] is used as the opposite of layn [softness]. For instance, addressing the Holy Apostle

p: ۲۷۹

:s), God says)

(فَبِمَا رَحْمَهٍ مِنَ اللّهِ لِنْتَ لَهُمْ وَلَوْ كُنتَ فَظًّا غَلِيظَ الْقَلْبِ لاَنفَضُّوا مِنْ حَوْلِكَ...)

It is by Allah's mercy that you are gentle to them; and had you been harsh and" (hardhearted, surely they would have scattered from around you..."(۱

In Persian, ghalzah is not used to mean "coarseness" [doroshti]. Instead, in our culture ghalzah is generally used in relation to liquid matters. For example, it is said that so-and-so shireh [juice, syrup or milk] is ghaliz. Here ghaliz means concentrated. The equivalent in Persian of the word ghalzah which is used in Arabic as the antonym of layn is khushunat [harshness or violence] which we discussed. We said that contrary to what some people say, violence is not absolutely condemnable is all circumstances. .In fact, in some cases it is even obligatory

The Western and Islamic concept of tolerance

Regarding freedom, we said that the concept of freedom used in our political culture and literature was initially the translation of the word "liberalism" prevalent in the West. Similarly, the word tahammul which is used as the antonym of khushunat is used as the equivalent of the word "tolerance" in English or French. This concept or .term is prevalent in Western literature

There is no objection to use and include in our literature an unambiguous and clear concept or term used in a foreign language, or its equivalent. But the point that must not be neglected is that sometimes these imported concepts have certain conditions, semantic loads and specific values. These concepts are laden with values suitable to

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۱- ۳:۱۵۹ Surah Al 'Imran.

their culture. That is, once a word is used in a culture, it is laden with a positive or negative value, but once this word is adopted in another culture which is foreign to the original culture, it will lose its embedded value. On the contrary, it will acquire a new :value in the second language. Let us elaborate

Since “freedom” was adopted in our literature from Western culture and this term has a broad meaning in the West and is even used to mean sexual freedom which is rejected in our society, we have no such concept in our culture, so we are forced to add certain qualifications to freedom while keeping in view our Islamic and national values, to aspire for legitimate freedom within the framework of Islamic values, and to categorically declare that we do not accept absolute freedom. In the same tone, the concept of “violence” in its new sense was adopted in our culture from Western .culture

In contrast to the West which regarded it as absolutely condemnable and reproachable according to the exigency of its culture, we do not consider it as anti-value in its absolute sense just as we do not accept freedom as an absolute value. Instead, we regard violence which is devoid of underlying logic, unjustifiable and against human ethics. We believe that in some cases violence is acceptable, consistent with the dictates of reason, ensuring the interests of society, thereby not .reproachable

So, before adopting “tolerance” from Western culture and

presenting it as absolutely desirable in our literature, we must pay attention to its source, investigate its root and see what it means in Western literature; which value —positive or negative—it is laden with, and for what motive it has prevailed in Western culture, and for which motive it is introduced in our political culture and literature. We also have to check whether its meaning has changed or not after its .introduction

The concept of “tolerance” is among the blessings of modern Western culture that gradually evolved after the Renaissance and gained universal acceptance. Today, it is known as one of the distinctive features of Western atheistic culture. (We have already stated that whenever we talk about Western culture, we do not mean the culture of all people in the West because there are also many monotheistic and religious people there. Instead, we mean the atheistic culture dominant in the West

(.which is also opposed by many

In finding the root of the concept of tolerance, firstly, in the dominant culture of the West, all values—including moral, social, and political-legal values—are conventional affairs and have no rational and real root. In other words, values depend on the demands and preferences of people. It cannot be said that a thing, belief or conviction is valuable forever and for all. Rather, according to the Westerners, so long as a thing is accepted by society, it is valuable, and if one day the people's preferences change, the same value turns into anti-value. Secondly, religious beliefs and

p: ۲۸۲

convictions are also considered as conventional values and a person is deemed free in .choosing or rejecting them. They are reduced into a matter of preference only

People choose the colors of their clothes according to their preferences. For example, a person likes to wear dark-blue clothes, another, black and, a third, brown. A person cannot be reproached for choosing brown or grey because everyone is free to choose whatever he prefers. Similarly, people choose religious values and accounts according to their preferences and demands. One cannot be condemned why he professes a certain religion or why he has no belief in it, or why he slights, rejects or negates a .certain religious belief

Beyond this, if a person sets aside his religious beliefs and chooses new religious values, one cannot condemn him because his change of faith is exactly like a change !of preference in choosing the color of his attire

According to Islam and the Islamic culture, however, religious sanctities and values are much dearer than one's life, property, honor, and relatives. Does Islam allow us to defend religious sanctities? It is true that a certain gentleman who is currently a member of the Tehran City Council permits people to demonstrate even against God, but according to the religious edicts [fatawa] of all sources of emulation [maraji' at-taqlid] and the consensus of opinion of Sunni and Shi'ah fuqaha which is accepted by all Muslims, if a person treats God, the Apostle (s) and the religious sanctities and

essentials of

p: ۲۸۳

Islam with insolence, even in a desert or private place, away from the sight of the authorities and there is no opportunity to turn him over to the police or Islamic court, it is incumbent upon every Muslim to execute him for the crime of insulting the .sanctities of Islam

It was on the basis of this Islamic perspective that the late Imam (‘a) issued the death sentence to the apostate Salman Rushdie which was also affirmed by other Sunni and Shi‘ah fuqaha. This is our point of departure from Western culture—something which .Islam accepts but is rejected by the West

Religious duty and zeal do not allow us to witness any act of insolence to Islamic sanctities and keep silent. Islam has permitted violence in defending religious sanctity. Since Islam and its sanctity is dearer to us than our lives, wealth and children, we can even risk our lives in defending them. As such, if somebody slights religious sanctity, one can punish him even if he is most probably arrested, convicted for killing someone and having no "right" to do so and fails to prove the heinous crime of the killed person, and thus be condemned to death under the law of retaliation [qisas]. As his religious duty, he can still punish that wicked and impudent insulter, provided his action does .not lead to further corruption

Session ۳۹: An Investigation of the Relativity of Values and Religious Narratives

Religion as absolute or relative

The questions we are facing now are: Are the points we have tried to prove in our series of discussions credible and plausible

p: ۲۸۴

for all? Do these points have absolute credibility, or relative credibility, for example, do they only express the views of the speaker or do others have different views in this regard which are consistent with his views? In other words, must every Muslim,

especially a Shi'ah who follows the school of the Ahl al-Bayt ('a), accept my arguments in view of the existing evidence and treat them as absolute? Or, can he not accept them on the ground that they only represent a specific viewpoint and on the contrary, ?there are other viewpoints that might have equal or greater credibility

Some assert in their speeches and periodicals that these subjects and interpretations are not supposed to be expressed as absolute. They must not even be attributed to Islam. They must only be considered as the viewpoint of the speaker. That is, a speaker must say, "This is my understanding of Islam," and not present his understanding as the Islamic theory. In similar cases, especially during the past decade some individuals have insisted that one should not consider his understanding as absolute, for there are those who have different interpretations which are in .themselves valuable and credible

Three approaches to the relativity of knowledge

Some serious questions are posed here. What do "absolute" and "relative" essentially mean? What does the statement "So-and-so subject does not have absolute credibility" mean? Does it mean that no knowledge [ma'rifah] has absolute credibility, ,or some knowledge has absolute credibility while another does not? In such a case

what is the difference between absolute and relative knowledge? Is relativity of knowledge or relativity of credibility of knowledge confined only to the domain of religious matters? Or, is credibility of subjects discussed in every field of science ?relative

First approach to the relativity of knowledge .۱

The study of the absoluteness or relativity of knowledge is related to a branch of philosophy called "epistemology". Since more than ۲۵ centuries, scholars have differed on whether one's understanding, judgment and beliefs have absolute credibility or not. Sophists, who used to live in Greece approximately ۵ centuries before the Common Era and from whom the word "Sophistry" was derived, were of the opinion

that man can never arrive at a certain and dogmatic faith as everything can be doubted. After them, the skeptics, agnostics, subjectivists, and relativists also .expressed such an inclination

This inclination towards the relativity of knowledge and understanding has not emerged recently. It is as old as written philosophy. Today, it is true that in the Muslim world we do not know of any prominent philosopher who is a skeptic but in America and other Western countries, there are different types of skeptics and relativists, !skepticism being essentially regarded as a source of honor for man

Undoubtedly, if we really want to academically delve into the inclination towards the relativity of knowledge, skepticism or the notion that man can never acquire certainty in knowledge, we have to spend a lot of time dealing with this broad philosophical subject. The only thing we can do at this moment

p: ۲۸۶

.is to present some subjects which are suitable for our listeners

By saying to us, "You should not consider your view, understanding and interpretation as absolute," do they mean that one should not have certainty of faith in anything and that the acquisition of knowledge is actually limited for man and we cannot find any knowledge about which we can logically be certain [yaqin]? Or, do they mean that one cannot have certain knowledge of some cases and accounts? We used the adverb "logically" because sometimes man has dogmatic faith in a thing and he has no doubt .about it, but after sometime he realizes that he is wrong

Such certainty which is actually wrong and inconsistent with reality is called psychological certainty. In this case, man experiences a psychological state in which he develops dogmatic faith in a thing in which he has no doubt although he might be wrong and experiencing complex ignorance,(۱) by holding a belief that is falsifiable. But if the dogma or belief is logically certain and correct, it is never falsifiable. For example, the mathematical statement "two times two is equal to four" (۲×۲=۴) is logically correct and absolute and nowhere in the world does two multiplied by two

become five or six. So, the credibility of this mathematical statement is absolute and .logically correct, and it is not only a personal belief

If they mean that man cannot acquire certain faith in any case or account, I shall state briefly that this claim is inconsistent

p: ۲۸۷

۱- Complex ignorance: ignorance of one's own ignorance. [Trans.]

with the natural disposition [fitrah] of man and all religions. We never hear anyone say: "I am not sure whether planet earth exists or not. Perhaps, its existence is nothing but an illusion!" Or, say: "I am in doubt whether there is any man living on earth or not. I am doubtful whether a country named "France" really exists in the continent of Europe or not. Apart from the fact that I am in doubt, such a thing can never be proved!" If we really meet such a person, what judgment will we have about ?him

Certainly, we will tell him to consult a psychiatrist because a rational and mentally sound person will never entertain such a doubt. So, if by saying, "You must not consider as absolute your opinion and understanding," they mean that no belief or conviction must be treated as absolute and one cannot pass an absolutely accurate judgment concerning any case or account. The concise reply to them is that this claim is clearly against reason and all religions. And I do not think that there is anyone among my audience both inside and outside the country who thinks so. As such, it is .futile and senseless to discuss it

۲. Second approach to the relativity of knowledge (relativity of values)

point

Of course, there are other views on relativity which are not as disgraceful as the abovementioned, among which is the relativity of values. Those who have such a view do not say that there

is no absolute and certain case in any field. Instead, according to them, empirical sciences, rational sciences and mathematics to some extent have certain, decisive and absolute cases, and only cases of ethical sciences, viz. fields related to values, .ordinances and obligations do not

That is, wherever good or bad, do’s and don’ts are talked about they are relative. In a bid to prove their claim, the proponents of the relativity of values and practical duties give deceitful and misguiding statements. For example, they say: “We can see that a certain thing is considered good and acceptable in a certain country and the same customs and traditions are abominable, detestable and repulsive for the people of .another country

Regarding the manner of expressing respect and admiration for individuals—as I have heard—in some East Asian countries, they smell each other. Perhaps in other countries, such an act is abominable and unacceptable. In Western countries, particularly in Latin America, whenever they want to express utmost appreciation of a prominent speaker, they embrace him or her. But in our Islamic society, for a woman .to embrace a male stranger is abominable and deplorable

So, it is possible that an action is good and acceptable in one society but the same action is abominable and reproachable in another country. From this, it becomes clear that the system of good and bad, do’s and don’ts are subjective, and the ruling on them differs from one society to another. It is even possible that something is considered

.good at a time and unacceptable at another time

It is reported to us that around ۴۰ years ago in one of the Canadian cities, a person removed his coat on account of the warm climate and was walking down the street wearing a short-sleeved shirt. Immediately, horse-riding policemen came and asked

him why he had removed his coat. To appear in public in a short-sleeved shirt was against public decency! But today, in the same country, i.e. Canada, a man or woman can appear half-naked in public, without being rebuked or reproached or their action .being considered detestable

So, good and bad, indecency and beauty in relation to different times are relative and not the same. They conclude that the sciences that express good and bad, do's and don'ts—such as ethics, jurisprudence and others related to social and civil domains—are relative and subjective. They do not have any absolute basis. We cannot say that a thing is absolutely good everywhere at all times, or say that a thing is absolutely bad .everywhere at all times

The absoluteness and inalterability of some values

In dealing with the claim which has been presented as an affirmative totality [al-qadhiyyah al-mujibah al-kulliyyah] whose connotation is that all good and bad, or value-laden cases are absolute and general, one can easily present a negative particularity [al-qadhiyyah as-salibah al-juz'iyyah] which will disprove the general case or ruling. That is, when we find value-laden cases that are not absolute and an action is good and acceptable in some societies but considered indecent

and reproachable in other societies, we can say that some value-laden cases are .relative or subjective

No doubt, this is the correct and proper judgment. We do not say also that every value-laden case or each of the do's and don'ts is absolute and general, fixed and inalterable for all societies at all times, but this does not mean that no value is ever absolute. That is, proving the relativism or subjectivism of values pertains to the negative particularity and not to the affirmative totality. As such, what we can prove is .only the relativism or non-absoluteness of some values

Our claim is that we can have an absolute value and absolute faith in some value-laden cases. If the essence of this theory is proved, we can possibly have hundred

examples of such cases because rational discussion or theory is not based upon numbers and figures. Can we find a person who says that justice in some cases or societies is bad? No sensible person will say that oppression in some places is good .and wholesome

Of course, it is possible to commit a mistake with respect to the manifestations of justice and oppression and sometimes an expression or term is erroneously applied or is used out of context. For instance, one might say that every beating is an act of oppression whereas some cases of beating serve as a punishment or retaliation which is not bad. But the beating which is done as a punishment or retaliation is not an

p: ۲۹۱

act of oppression. It is rather consistent with truth and justice. The point is that if an action is indeed an act of oppression, it cannot be good in any case. Similarly, if an action is really consistent with justice, it cannot be said that in some cases it is bad and conclude, therefore, that justice in some cases is unacceptable. This issue is so vivid :and clear for all that when the Qur'an wants the people to shun polytheism, it says

(...إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ)

"Polytheism is indeed a great injustice…."(۱)

That is, there is no doubt in the major premise that "One must shun or keep away from any act of injustice." This case is absolute and general, fixed and inalterable. Since polytheism is one of the manifestations of injustice, it is bad and detestable and .it must be shunned

We do not claim that all value-laden concepts are absolute. We rather say that some values are absolute. Similarly, with respect to knowledge, we do not regard every kind of knowledge as absolute. We do not believe that every perception of a person is correct. Obviously, some perceptions of individuals are not correct. So, some perceptions are relative or subjective, and relativism or subjectivism exists in some accounts. For example, if you asked whether Tehran University campus is big or

small, once you compare Tehran University campus to your house you will reply that Tehran University campus is very big. But if you compare Tehran University campus to the

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.Surah Luqman ۳۱:۱۳ -۱

planet earth, you will say in reply that it is as small as a grain of sand compared to the .desert

Thus, concepts like big and small are relative or subjective and any case encompassing such concepts shall be relative or subjective. But from the fact that bigness and smallness are relative or subjective it cannot be concluded that everything, including God, is relative or subjective, or that the existence of man, earth and the world is also relative. Bigness or smallness is a subjective and supplementary concept, but there are concepts that are not relative and the cases they encompass .can be absolute

Therefore, we are not of the opinion that every value that every person believes everywhere is absolute. Our point is that as far as affirmative particularity [mujibah juz'iyyah] is concerned we can have an absolute value. That is, we have also value-laden cases that are absolute and not subject to change or exception with respect to different places, individuals and times. No doubt, we have absolute values; we have absolute values that are dependent on the circumstances of time and space as well as .the preferences of individuals

We believe that injustice or oppression is always bad and detestable for everyone everywhere while justice is always good and wholesome for everyone everywhere. In objective cases and cases related to the descriptive sciences, we have absolute and certain accounts. For instance, we declare with certainty and conviction that the sky, ;earth and man exist; that God exists

and the divine revelation and the Resurrection exist. Indisputably, these cases are .absolute and not relative or subjective

The basis of absoluteness of some values

The question posed here is this: How should we know that a case is absolute or relative? The concise reply to this question is that every axiomatic case or case which is correctly derived from axiomatic cases is absolute. But non-axiomatic cases or cases incorrectly derived from axiomatic cases are relative or subjective. The same classification is true regarding values. The values whose bases are emotion, imagination, customs, and contracts are relative or subjective. But the values that are .substantiated by reason and can be rationally justified are absolute

For example, worship of God is a value which will always be absolutely desirable and acceptable, and it can never entertain any exception. It is on this basis that we assert that the worship of God is the real and true way of man's perfection. Concerning value-laden social concepts, justice too is always good and this rule knows no exception. In contrast, injustice is always detestable everywhere. So, we can have .absolute values

The relativity of all values and religious narratives in Western culture

Nowadays, there are numerous schools of philosophy in the West that regard values as absolutely devoid of rational and objective basis. They maintain that all values are relative or subjective and subservient to contracts. That is, whatever people agree upon as good is good and whatever they agree upon as bad is bad. One of the ,important schools of moral philosophy is the positivist school or positivism

.which regards acceptance by society as the foundation of value

On this basis, the positivists hold that value and anti-value, good and bad depend on contract. Anything the people today consider as valuable and good is valuable and good. If tomorrow, the opinion of people changes, the same value will change into

.anti-value and the good into bad

We believe, however, that not all values are relative or subjective and not all values depend on contract. It is true that customs and traditions are conventional, alterable and depend on circumstances of time and space, but we have a set of values rooted in the natural disposition [fitrah] of man—natural disposition which is fixed and :inalterable

(فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَةَ اللَّهِ الَّتِى فَطَرَ النَّاسَ عَلَيْهَا لاَ تَبْدِيلَ لِخَلْقِ اللَّهِ)

So set your heart on the religion as a people of pure faith, the Creative Essence of" (Allah according to which He created mankind. There is no altering Allah's creation."(۱

Since the Creative Essence of Allah [fitrat Allah] is immutable, values that are based upon fitrah are also inalterable. Hence, we can have an absolute value. If by saying to us, "Do not regard your ideas as absolute," they mean that we should not regard our ideas on values as absolute on the ground that we believe in a set of values not .accepted by others

On the contrary, they believe in other values and, we are not supposed to impose our ideas because our ideas on values are based on our preference

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.Surah ar-Rum ۳۰:۳ -۱

and theirs are based on their preference. Such an understanding is anchored in moral positivism, whose basis or criterion is the people's preference and desire. This inclination is rooted in corruption and falsehood and it is not consistent with Islam and .the correct schools of moral philosophy

Those who by relying upon positivism say to us that we must not regard our views and ideas as absolute are in gross blunder. We shall remain firm in protecting the absolute values and we will strive to revive and propagate the fixed Islamic values in .society. We will never allow them to be blemished in the least

Since the Renaissance, the Westerners have relegated religious concepts to the realm of values, particularly those religious concepts and narratives that are related to religious ordinances and rituals. Meanwhile, since they consider values as relative and conventional, they also treat religious concepts and narratives as relative and conventional and they do not regard them as having any absolute value. On this basis, they say: "All religions can be good and in truth. This religion is good and true for its followers and that religion is also good and true for its followers. One should not treat as absolute his religious opinion and view and say that only Islam is correct and in ".truth and the other religions are false

The religion of Islam consists of a set of value-laden concepts and an array of do's and don'ts such as the enjoinment of a certain action and

p: ۲۹۶

prohibition of a certain action, and the decree to pray and fast, not to tell a lie, not to commit fornication, and not to violate people's property and honor. Naturally, once values are relative and conventional, religious concepts shall also become relative or .subjective. Consequently, Islam is accordingly a set of conventions and contracts

It is in keeping with the positivist view and the relegation of religious concepts in the domain of value-laden concepts that they tell us: "You have no right to impose your religion on others and to ask them to become Muslims. The religion of Islam is wholesome for the Muslims and the Jewish religion is also wholesome for the Jews because these religions and faiths are relative or subjective and none of them is absolute. Once these religions and values are relative and dependent on a contract, their ruling is different from one society or people to another and from one period to .another

Fourteen hundred years ago, Islam was suitable and good for the people of the Arabian Peninsula but today another religion is desirable and suitable for the modern world! So, one should not regard it as absolute and the Muslims should not impose their Islamic thought upon others. Islam is good for those whose preference and desire are consistent with it but for others who do not like and accept this religion and

have chosen another religion according to their preference, it is not good. Thus, we should not impose our preference of Islam

p: ۲۹۷

.upon others and disregard their preference

Our reply to the above mentioned view is that we acknowledge that some decrees of Islam—like the secondary decrees—are relative, alterable and change according to the two elements of time and place, but not all Islamic concepts are alterable. In fact, some Islamic laws are fixed, absolute and unchangeable. Besides, none of the Islamic laws depend on social contract or people's preference. Even the alterable laws have .specific reasons for their alteration

So, firstly, we do not accept the basis that regards all values as dependent on social contracts and people's acceptance and preference. We believe that some values and their opposites are absolute, and in accordance with essential interests and corruptions, and thus, they are fixed and inalterable. Secondly, since the fixed values of Islam are consistent with essential interests and corruptions, they are absolute and credible everywhere at all times. We argue that only our Islamic viewpoint is absolute, true and correct. As such, this type of relativism prevalent in the West is also .inconsistent with Islam

(Third approach to the relativity of knowledge (relativity of religious knowledge .۳

point

One of the types of relativism is the relativity of religious knowledge. Some people say: "We also acknowledge that religion is immutable and absolute and that religious values are also consistent with the real, essential and permanent interests and corruptions, and we regard the reality of religion as absolute and fixed. However, we have no access to the real and absolute religion and we cannot establish connection with it. What is accessible to us

p: ۲۹۸

and at our disposal is our knowledge or understanding of religion. What we present to others as religion is actually our understanding or perception of religion, and others may possibly have their own understanding or perception of religion. We recognize the essence of religion as fixed and absolute but we consider our understanding or knowledge of religion as alterable and relative, believing that one must not treat as absolute his knowledge or understanding of religion and impose his ideas upon others."

At this point, this question is raised: Is it possible for some of our religious understandings to be absolute yet accepted or not by everybody, and that there is no absolute understanding in the realm of religious knowledge, and any knowledge of every religious subject is relative or subjective? As a result, it is possible that there is contradiction between two religious understandings and these two are in total opposition to each other. That is, a person totally believes in a religious narrative while another person totally rejects it, whereas the understanding and perception of religion of both is acceptable and credible!

This third approach on relativism which has been known as relativity of religious knowledge and understanding and whose exponents have labeled it as "the contraction and expansion of the path" has been advanced and promoted in our country for approximately the past two decades. Everyday, it is intensively and extensively discussed more in newspapers and magazines on the basis of which, it is shown that all people do not

have equal understanding of religion. One may possibly say according to his belief, "Subh [dawn] prayer has two rak'ahs [cycles or units]," and another person would say based on his belief and understanding of religion, "Subh prayer has three rak'ahs," while both of them are credible and acceptable!

According to this view, once we believe that subh prayer has two rak'ahs, we have no right to ask others to perform it in two rak'ahs. According to our understanding and interpretation of religion, subh prayer has two rak'ahs. There might be another

understanding of religion according to which subh prayer consists of three rak'ahs. The latter is also an understanding or interpretation of religion. There is no difference between the two interpretations in terms of value. The interpretation of every person is worthy of respect for himself. No one has the right to treat his interpretation of religion as absolute and ask others to understand and interpret religion the way he !understands and interprets it

My understanding or interpretation of religion is that which is pleasing and the truth for me. The same is true for another person. This is in spite of the contradiction between the two interpretations because knowledge and understanding has contractions and extensions such that one of the interpretations or understanding may possibly be on one side of a spectrum while another interpretation on the other side. It is possible that today a person proves a religious narrative and tomorrow another person negates it. The reason behind these

p: ٣٠٠

differences is that real religion is inaccessible to us and what is at our disposal is our knowledge of religion. This knowledge and interpretation is also alterable and not the .same for all persons

The distinction between the domain of relative interpretations and the domain of absolute interpretations

At the outset, let us pose these questions: Do the proponents of the theory of "the contraction and expansion of the path" believe that every case in religion can have many interpretations, understandings and readings? Do only some religious cases have different interpretations and readings? Most of the reasons they cite prove only .the difference of interpretations and understandings of some religious narratives

But they generalize this specific reason and apply it to the entire domain of religion and all religious narratives. Then, they conclude that all religious narratives are subject to different interpretations and understandings. One of these reasons is the .difference in the religious edicts [fatawa] of mujtahids and fuqaha

Their claim is that in the realm of Islam, its jurisprudence in particular, the fatawa of mujtahids are different from each other. One mujtahid opines that the Friday congregational prayer is wajib (even during this period of major occultation [ghaybah al-kubra]) while another says that it is not wajib. One decrees that playing chess is haram while another considers it halal [permissible or lawful]. One declares a certain .form of music as haram while another says that it is halal

Thus, the fatawa and understandings of the fuqaha and mujtahids are subjective, alterable and variable such that even a single

p: ۳۰۱

mujtahid can possibly have two different religious edicts on an issue. For example, some fuaqaha give a fatwa at a given time and after sometime, they recant the said edict and issue another. So, this difference of fatawa and understanding is a proof that our knowledge or interpretation of religion is subjective and changeable, and that it is impossible for the knowledge or understanding of religion to be fixed and .absolute

We argue that everybody including an illiterate person living in a far-flung village knows that the fatawa of mujtahids are not identical in the sphere of the branches of religion [furu'ad-din] and some religious obligations. But this difference of fatawa does not warrant you to claim that even the Apostle's (s) knowledge of revelation [wahy] revealed to him is not absolute on the ground that the knowledge of the Apostle (s) also belongs to the realm of human knowledge and subject to be mistaken! ,That is, when God says in the Qur'an

(قُلْ هُوَ اللَّهُ أَحَدٌ)

Say, 'He is Allah, the One'"(۱) or"

(وَإِلَهُكُمْ إِلَهٌ وَاحِدٌ لا إِلَهَ إِلاَّ هُوَ الرَّحْمَنُ الرَّحِيمُ)

Your god is the One God; there is no god except Him, the All-beneficent, the All-" (merciful,"(۲

Can it be said that we do not know if the revelation is from God? It is through the claim of the Apostle (s) that we have been informed of divine revelation. But we have no information of divine revelation. What the Apostle (s) has introduced to us is not the essence of divine

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١- Surah al-Ikhlas (or at-Tawhid) ١١٢:١.

٢- Surah al-Baqarah ٢:١٦٣.

revelation, rather a product of his knowledge and understanding of it, and since he is but human and thus fallible, it is probable that he might have erred in receiving and understanding it. God might have wanted to say something and he might have erroneously understood it otherwise and perceived his knowledge as divine revelation. The outcome of such a view is that none of the understanding of any of the Qur'anic verses is credible, and in all of them there is the possibility of mistake and error!

Is this a new interpretation of religion? Has the scope of interpretations extended to such magnitude and depth? We acknowledge that there is difference in the fatawa, but is the existence of God also doubtful, and can it be accepted that a person will prove the existence of God in the name of Islam and the essence of revelation while another person will negate it, and both claims will be credible as religious knowledge?! Contrary to what the Sunni and Shi'ah 'ulama' of different schools of thought have declared and stated, can we claim that they have erred and misunderstood it and what they have expressed is their own interpretation, and that we also have our own interpretation?

It is possible to have different interpretations in the domain of issues pertaining to the branches of religion and not in the domain of issues pertaining to any of the roots of religion [usul ad-din]. Moreover, in the realm of secondary and hypothetical issues of religion,

only the opinions of religious experts and authorities are credible and not that of any .neophyte or amateur

What are credible are the opinions of those who have studied for more than ۵۰ years under the teachers like the late Ayatullah Burujirdi,(۱) Imam Khomeini and 'Allamah Ṭabataba'i(۲) (may Allah be pleased with them) and have undergone hardships and tribulations, have piety in action, understanding, research, and deduction, and are not under the influence of whims and caprice. In the realm of religion, the opinion of any sensual xenomaniac neophyte who studies Islam for only a short period yet .introduces himself as a religious expert is not credible

In sum, the difference of opinion or the existence of various interpretations is acceptable only in the hypothetical and metaphorical [mutashabihat] issues of religion. In its indisputable, definitive [muhkamat], essential, and self-evident issues, Islam has only one interpretation and that is the interpretation of God and His Apostle (s). In that domain, there is no room for difference of opinion, skepticism and presentation of various interpretations. As such, no difference in it has emerged for .the past fourteen hundred years since the birth of Islam

We witnessed that when the eminent Imam issued the death sentence to the apostate Salman Rushdie, all the true 'ulama' of Islam affirmed it without any dissenting opinion. They said in unison that what the Imam issued was the decree of Islam. Of course, some xenomaniacs who are ignorant of Islam condemned the decree, saying: "Such is not our

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It refers to Ayatullah al-'Uẓma Sayyid 'Abd al-Husayn Burujirdi (۱۲۹۲-۱۳۸۰ AH). - ۱ [.[Trans

It refers to 'Allamah Sayyid Muhammad Husayn Ṭabataba'i, the renowned author - ۲ [.of Al-Mizan fi Tafsir al-Qur'an. [Trans

interpretation of Islam." Yet, it is clear that the intelligent people in the world consider as credible and valuable only the opinion of those who are authorities in the pertinent

field, conducting research and expressing views by using correct methods of research .appropriate to the given field

?Session ۴۰: Religious Knowledge: Fiction or True Reflection

The status of realistic and unrealistic languages

During the last session, we discussed the notion of non-absoluteness of opinions and views of individuals and the existence of various interpretations in religion. In stating the origin of the notion of relativity of views, opinions and interpretations, we said that there are three perspectives and theories on the relativity of knowledge. In this session, we shall deal with two other sources of the notion, viz. "the language of religion" and "hermeneutics" or the science of textual interpretation, which is nowadays considered as one of the important fields of knowledge with which specific departments in prestigious universities in the world are engaged. In this session, we .shall tackle these two subjects

The language of religion and its connection with the theory of non-absoluteness of individuals' opinions and understanding of religion stemmed from discussions held during the recent centuries in Europe, in the philosophy of religion and new theology on language, asking—Is the language of religion real, or is it symbolic, coded and ?fictional

Let us elaborate: In understanding each other—whether in verbal, casual and simple conversations or academic and philosophical conversions—human beings sometimes use expressions with the aim of drawing attention towards an objective reality, and at .other times, to subjective realities

For

p: ۳۰۵

instance, when a person says, "The conference room is bright," his intention in making this predicative statement and specific literary compound is to draw the attention of the listener to the fact that there is no need for the lights to be switched on. It is

realistic language and speaks about objective realities. Similar language is used in mathematics, logic and philosophy. Of course, in exact sciences and empirical sciences this language is utilized with some modifications. For this reason, it is said that the language of science and philosophy is realistic and speaks about objective or .subjective realities

Yet, there are also times when the use of linguistic expressions and compositions is not meant to present objective or subjective realities. The expressions and compositions are the same, but the speaker or writer does not want to show reality through them. An example is the language of legend and fiction which never intends to present reality. Thus, it is said that such language is not realistic. Once we read story books like Kalilah wa Dimnah(۱) we can see that sentences and expressions are .organized in such a way that they never speak of objective reality

If ever stories of animals in the jungle—the relationship between the lion and the wolf, and the leopard and the fox—are related, the aim of the writer is not to make us understand that there are really such events and animal conversations. His aim instead is to indirectly impart to us certain messages and subjects through

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۱- The Panchatantra [Five Chapters] or Kelileh va Dimneh or Anvar-e Suhayli or The Lights of Canopus in Persian or Kalilag and Damnag in Syriac of Kalilah wa Dimnah in Arabic or The Fables of Bidpai/Pilpai in various European languages was originally a canonical collection of Sanskrit (Hindu) as well as Pali (Buddhist) animal fables in verse [.and prose. [Trans

the stories and languages of animals. Therefore, the language of fiction and legend is .an example of unrealistic language

Another example of the unrealistic languages is the symbolic or coded language which is used in many fields of science. It is also used in some branches of social sciences and humanities to express certain realities. Geometrical and mathematical .models and formulas as well as algebraic symbols like x and y are vivid examples

Obviously, these symbols, formulas and models do not speak of object realities out there and they are only codes for a set of scientific realities. The language of poetry is also an example of unrealistic language. When a poet talks about wine, minstrel and cupbearer, he does not want to talk about real wine, minstrel and cupbearer. Instead, the purpose of the poet or mystic in using the language of poetry which is a .metaphorical language is to express certain subjects existing in his mind

The motive of introducing the language of religion as symbolic and unrealistic

Some have said that religion has its own distinctive language and is among unrealistic languages. Initially, the discussion on religion took place in Europe among the followers of Judeo-Christian religious narratives. As such, the scholars of religion and thinkers presented their views on the accounts mentioned in the Judeo-Christian scripture. They said that the Bible with its various accounts does not want to acquaint .us with objective realities. Its language is fictional and symbolic, therefore, unrealistic

,They generally divide the languages into two

viz. realistic and unrealistic languages. They include the language of religion in the group of unrealistic languages that do not speak about objective truths and realities. The reason behind the promotion of this notion was that after the Industrial Revolution in Europe, the increasing scientific discoveries, and the advancement of new hypotheses on the planet and the state of motion of the sun, earth and other planets by Kepler, Copernicus and Galileo, Western scientists found that scientific narratives were inconsistent with the narratives recorded in Judeo-Christian .scripture, i.e. the Old and New Testaments

They realized that the acceptance of scientific or astronomical views and theories would render some religious narratives false and far from reality, thus striking a blow to the edifice of Judeo-Christian faith. Once the subjects of the Old and New Testaments were found to be incorrect, baseless and groundless, the foundations of the two faiths would be weakened, especially Christianity which was one of the

.religions in the world with the largest following

After the Renaissance, they tried hard to maintain the credibility of the Bible and keep the foundation of the Judeo-Christian faith. The product of their efforts was as follows: Religious narratives and subjects mentioned in the Bible would become incompatible with scientific achievements and new scientific theories if the language of religion was regarded as realistic language expressing actual or objective realities .and truths

But if the language of religion was placed among unrealistic languages—like that of poetry, mysticism and fiction—which never intended to

p: ۳۰۸

speak about objective realities out there, and the narratives in the Bible—like fiction and legend—were compiled for specific purposes and not supposed to identify objective scientific realities, no incompatibility and conflict of any sort between religious narratives and scientific narratives or objective realities would ever emerge. The implication of this view was that subjects about God, revelation, Resurrection, paradise, hell, and other narratives of the Bible were merely for the guidance of .people, to discern the good and identify bad traits and beliefs

Consequently, through discernment and awareness the believers had to perform good deeds and shun evil deeds. They were not supposed to tell lies, backbite, and oppress others. If it was said that anyone who oppressed others would be chastised and tortured in the hereafter, it actually embodied only the evil and wickedness of oppression and did not indicate that heaven and hell really existed in the hereafter. .Therefore, there was no objective reality present in religious narratives

In the common interpretation of the Bible, religious narratives indicate and represent actual and objective realities, but in scholarly and academic interpretations, they are meant to instruct people, encourage them to do good and pleasant deeds and shun evil deeds, and do not have any message beyond this. Even in their mythological interpretation of religion, God does not actually exist, and if ever it is mentioned in the

Bible that God created the universe and revealed the truth to the apostles (‘a), it only portrays a fictitious and mythological image of

p: ٣٠٩

God; for, in fact, according to them—God forbid—there is no god; neither is there any .heaven, hell or revelation

They have shrewdly compiled these fictitious images in their fictitious and mythological writings so as to encourage the people to do good and pleasant deeds and keep human values; strive to live honorably in this world and not annoy and disturb others. Yet, the Bible, like the Kalilah wa Dimnah, is nothing but fiction. For example, in ancient Greece and other old civilizations the people had gods and mythologies. It is even mentioned in some mythologies and fictitious stories that gods and goddesses married each other; sometimes they would befriend each other and at times quarrel. The scriptures and religious narratives of other religions, such as the Old and New Testaments, only portray to us fictitious images without any objective .reality

As we have said, this theory was advanced in order to justify the unrealistic narratives in the Old and New Testaments and salvage Judaism and Christianity from the brink of definite collapse and extinction. It gradually earned wide acceptance among the believers and religious people in the West and became the best way of justifying the Bible. In contrast, the Jews and Christians before the Renaissance used to recognize .all religious narratives as true and real

When they found these narratives incompatible with new scientific discoveries and theories during the Middle Ages, they threatened, terrified and convicted scientists whose views were incompatible with their religious tenets. In fact, they executed

p: ٣١٠

and burned alive some of them. They forced other scientists like Galileo to repent and .recant their scientific views

In this manner, the theory which holds that the language of religion never endeavors to state actual and objective truths and realities and has only a symbolic and fictitious structure was initially advanced in the West. However, with the expansion of relations between Europe and the Eastern countries, scientific interactions and sending of students to the West, this theory gradually found its way into the East. The xenomaniacs who were infatuated with Western culture, and some students who were sent to Europe for higher studies were infatuated and enamored by Western culture, and considered the study of and familiarity with European culture and language as one of their greatest achievements and took pride in learning their atheistic theories and transferring them to the Muslim world as the best, scientific and most compatible theories.

They said: "Just as in the West the followers of the Old and New Testaments have placed the language of religion in the group of unrealistic, fictitious and symbolic languages which never indicate objective realities and truths, the language of the Qur'an is also a fictitious language which never intends to state any objective reality."

In the Muslim world, some Arab countries which are unfamiliar with the Ahl al-Bayt ('a) embraced this theory. Some Arab writers wrote books about it and cited bases

p: ۳۱۱

and so-called evidence from the Qur'an in order to support their claims. Whenever they came across metaphorical [mutashabih] verses of the Qur'an whose real meanings were beyond their comprehension and whose outward purport, they thought, was incompatible with science, they embarked on a fictitious and symbolic interpretation of the Qur'an and its metaphorical verses as did the followers of the Old and New Testaments.

By doing so, they thought that they could eliminate the incompatibility of those religious narratives with scientific findings. For the past three decades particularly during recent years, some Western educated scholars have made extensive efforts

to promote this Western theory in our society and present the language of the Qur’an as fictitious and mythological. To this end, they have presented a symbolic .interpretation of some verses of the Qur’an

Eclectic understanding of the story of Habil and Qabil

Around ٣٠ years ago, one of those Marxist-leaning and eclectic individuals presented in his lecture a symbolic interpretation of the story of Habil and Qabil mentioned in the :Qur’an. The story as narrated in the Qur’an is as follows

(وَاتْلُ عَلَيْهِمْ نَبَأَ ابْنَىْ آدَمَ بِالْحَقِّ إِذْ قَرَّبَا قُرْبَانًا فَتُقُبِّلَ مِن أَحَدِهِمَا وَلَمْ يُتَقَبَّلْ مِنَ الآخَرِ قَالَ لَأَقْتُلَنَّكَ قَالَ إِنَّمَا يَتَقَبَّلُ اللّهُ مِنَ الْمُتَّقِينَ)

Relate to them truly the account of Adam’s two sons. When the two of them offered“ an offering, it was accepted from one of them and not accepted from the other. [One of them] said, ‘Surely I will kill you.’ [The other one] said, ‘Allah accepts only from the (God-wary’.”(١)

As can

[.Surah al-Ma’idah ٥:٢٧. [Trans -١

be deduced from traditions, the sons of Hadhrat Adam (‘a), Qabil (Cain) and Habil (Abel), were supposed to make an offering to God. Habil offered a sheep for sacrifice while Qabil offered some grain. The offering of the former was accepted by God but that of the latter was not accepted. As such, Qabil became jealous and envious of his brother Habil to the extent that he murdered him. But he regretted what he had done. As he did not know what to do with the corpse of his brother, God sent a crow to teach :him how to bury the dead body

(فَبَعَثَ اللّهُ غُرَابًا يَبْحَثُ فِى الأَرْضِ لِيُرِيَهُ كَيْفَ يُوَارِى سَوْءَةَ أَخِيهِ قَالَ يَا وَيْلَتَا أَعَجَزْتُ أَنْ أَكُونَ مِثْلَ هَـذَا الْغُرَابِ فَأُوَارِىَ سَوْءَةَ أَخِى فَأَصْبَحَ مِنَ النَّادِمِينَ)

Then Allah sent a crow, exploring in the ground, to show him how to bury the corpse“

of his brother. He said, 'Woe to me! Am I unable to be [even] like this crow and bury (my brother's corpse?' Thus he became regretful."(١)

When a crow, sent by God, started digging the ground in search of food in front of Qabil, the eldest son of Hadhrat Adam ('a) who did not realize till then how he could dig the soil and bury a corpse, learned it from a crow and buried his brother's corpse.

In his symbolic interpretation of this story, the said writer and speaker said that Habil is the symbol of the hardworking class of workers and peasants, the product of whose

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١- Surah al-Ma'idah ٥:٣١.

unrelenting sweat and toil is insignificant. Since God supports and inclines toward this class, He accepted his humble pasture product offering. Meanwhile, Qabil is the symbol of capitalists and when he offered his produce, God rejected his offering because God is against capitalists.

The speaker concluded that Habil and Qabil and their respective offerings did not exist in reality as they only represent and symbolize the classes of proletariats and capitalists and the struggle between the two classes. (During the time of Hadhrat Adam ('a) when there was no other person other than him, his wife and two sons, how could the classes of the proletariats and the capitalists have existed and what was the meaning of class-based interpretation at that time? In any case, due to the prevalence of Marxist thought ٣٠ years ago and the multitude of supporters of atheistic schools of thought, these symbolic interpretations earned wide acceptance.)

The said speaker presented a symbolic interpretation of Habil and Qabil but he did not tell what the raven symbolized. One of his students discovered this secret and in his article, he introduced the black raven as the symbol of akhunds who are preoccupied with rawdhahkhani(١) and lamentation, propagators of wickedness and misfortune from pulpits, busy supporting feudal lords and capitalists. By discovering this secret, he allegedly completed the so-called third side of the triad of gold [zar], force [zur] and

deceit [tazwir]. Interestingly, in narrating this story, God says: “Relate to them truly ”.the account of Adam’s two sons

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Rawdhahkhani refers to the systematic commemoration of the martyrs of Karbala’ -۱ through the professional narrators of the event in ‘Ashura’ so as to excite weeping [.and lamentation. [Trans

That is, “Relate to the people the truth of this real event.” It is as if God predicts that one day there will be an unrealistic and erroneous interpretation of this event in history, and emphasizes that no distortion be made and the truth related to the .people

Yes, during recent decades, especially nowadays, symbolic, allegorical and fictitious interpretations of the Qur’an have increased and been propagated to such an extent that some of those who have studied Islam and are even wearing clerical garbs are hymning such melodies and claim that the language of the Qur’an is not realistic and it .is not true that the Qur’anic verses show us objective and immutable realities

Accordingly, in interpreting Qur’anic verses, we do not have decisive and convincing bases, fixed frameworks, and scientifically accurate criteria with which we can claim that so-and-so verse can have only one interpretation and explanation and all other interpretations are wrong. Rather, everyone can have a symbolic and allegorical interpretation of Qur’anic verses according to his ideas, presumptions and thoughts !even if his interpretation is totally incompatible with other interpretations

The presentation of an ambiguous image of religion

In order to be familiar with the theory of symbolism of religious narratives including the Qur’anic narratives and to enhance our minds, let me tell you that displayed in modern arts museums are tabloids with ambiguous geometrical forms that do not clearly show images of certain things, and everyone has his own interpretation and perception of them according

p: ۳۱۵

.to his literary talent, and introduces them as symbols of certain things

Perhaps, the drawers of those tabloids might be unaware of others' interpretations and perceptions of those drawings. Similarly, in some psychological tests some ink are spread on a sheet of paper and every patient is asked what object he can see on the paper. After a bit of thinking and conceiving the specific shapes on the paper which he thinks is the form of a certain object, each of the patients offers his own interpretation, saying, for example, that a certain portion of the formed shape shows the hair of a woman and another portion shows her hands, and finally, he introduces .the ambiguous form and image as a woman's portrait

This is in spite of the fact that the one who scattered the small pieces of paper in different shapes on a sheet of paper has not intended to make a specific form or image at all and he did not want to do so consciously and logically. He just spread some ink on a sheet of paper, and as a result, an ambiguous image which is subject to .various interpretations is formed

They claim that the language of the Qur'an is not realistic and its narratives are related so that anyone can understand and comprehend something from it according to his own discernment. One should not treat as absolute his understanding and perception of the Qur'an and say that his interpretation of the Qur'an is definitely correct

p: ۳۱۶

.and that of others is wrong

Likewise, if a person happens to deal with modern arts and has an interpretation of them, he can not say that his interpretation is definitely correct and that of another is wrong because he has a specific interpretation and understanding of them according to his ideas and specific conditions. Others also have their distinct interpretation and understanding according to their respective ideas and specific social conditions. Some

interpretations cannot be regarded as correct and others as wrong. In essence, correctness or incorrectness in such cases is not something real and fixed and it cannot be said that one person’s understanding is correct and another’s wrong!

Is the Qur’an—God forbid—like modern arts which anyone can interpret according to his understanding? Most of those who have such understanding of the heavenly scriptures do not believe in God and divine revelation, and if ever they talk about religion, it is only meant to deceive others. Then, the advocates of the theory of various interpretations and readings of heavenly scriptures say: Assuming that there is God who has sent divine revelation and His Apostle has heard it correctly—which is of course, debatable—yet, the Apostle is human and his understanding is not error free. So, he might not have understood the words of God correctly.

Besides, if we accept that the Apostle has not erred in receiving and understanding the verses of the Qur’an, one cannot present a definite way of interpreting Qur’anic verses on the basis of which an

p: ۳۱۷

interpretation can be treated as correct and definite and other interpretations as wrong. Instead, anyone can have an interpretation and understanding of the Qur’an and this interpretation and understanding is credible and authentic for him and no one can reject it. In dealing with the Holy Scripture, we are exactly like those who have undergone psychological tests, shown an ambiguous image and asked to state their interpretation of it. Then, everyone can have his own interpretation according to his mental setup!

Comparing the Qur’an with the language of poetry as a justification of pluralist interpretations

Another example that can be cited to explain the concept of religious language to those who believe in the relativity of knowledge is the difference in the interpretation of mystical and gnostical poetry, particularly the ghazals(۱) of Hafiz.(۲) One of the books that can be found in most Iranian homes is the Diwan (collection of poetry) of

.Hafiz

According to an ancient tradition, people consult the book to tell their fortunes. When a person's loved one travels and is missed and he wants to know his or her condition, he takes a copy of the Diwan and consults it. He interprets the first ghazal of the page he opens in such a manner that it tells him that his loved one, who is traveling, is in good condition and will be back soon. Another person who has a patient also consults .the book interprets the same ghazal and finds that his patient will get well

However, a third person might have an unpleasant interpretation

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١ - Ghazal is a lyric form of Persian poetry, with rhyme in the first two and in even numbered lines, and allowing various metric forms. With respect to content, it usually does not express the linear development of an idea, but rather its couplets express [.variations on an idea or mood. [Trans

٢ - Khwajah Shams ad-Din Muhammad Hafiz Shirazi (ca. ١٣٢٥-١٣٩١) was the fourteenth century Persian lyric bard and panegyrist, and commonly considered as the [.preeminent master of the ghazal form. [Trans

of the same according to his mental setup. This is because the mystical and gnostical ghazal poems of Hafiz were never meant for unveiling fortunes and satisfying such needs of the people. None of his ghazals is intended to foretell that a patient will get well, or a traveler return, or a wish granted. In his mystical environment, Hafiz recited poetry, and since then, everyone is interpreting it according to his mental setup—an interpretation which usually differs from the interpretations of others as well as the (intention of the poet. In the words of Mawlana,(١

هر کس از ظنّ خود شد یار من از درون من نجست اسرار من

Anyone who becomes my friend in his mind

.Will not find the secrets within me

They say that the Qur’an has such a structure. Like the ghazals of Hafiz, it is subject to different and even contradictory interpretations and understandings. According to his presumptions and mindset, anyone can have his own interpretation and understanding of its verses and no one has the right to treat his own understanding .and interpretation as absolute

Most probably the root and basis of the notion that one must not treat his own understanding, view and opinion of religion as absolute is the theory that since the language of religion belongs to the group of symbolic and unrealistic languages it is fictitious and mythical, so, everyone has the right to have his own interpretation of religious narratives

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Mawlawi Jalal ad-Din ar-Rumi (۱۲۰۷-۱۲۷۳) was the greatest mystic poet in the - ۱ Persian language and founder of the Mawlawiyyah order of dervishes (“The Whirling Dervishes”). He is famous for his lyrics and for his didactic epic, Mathnawi-ye Mn‘nawi [.[Spiritual Couplets]. [Trans

according to his mindset but no one has the right to consider his interpretation as the !only correct and authentic one and reject other interpretations

In case this atheistic view is widely promoted and propagated and people really believe that the Qur’an is like the Diwan of Hafiz which is subject to various interpretations, will the Qur’an remain the book of guidance? Will it remain the same book for the propagation of whose message the Apostle (s), the pure Imams (may Allah’s blessings be upon them all) risked their lives, and all the martyrs offered their lives? If everyone is supposed to have his own interpretation of the Qur’an which is a proof for himself, why is there great emphasis on the correct interpretation of Qur’anic verses and individuals warned of speculative interpretation [tafsir bi ’r-ra’y], and the reproach and rebuke against innovation [bid‘ah] in religion? If the interpretation and understanding of the Qur’an is flexible and everyone can have his own understanding of the Qur’an, why did we stage a revolution and topple the

?Shah’s regime

The Shah also used to regard his actions and ideas as consistent with his understanding and knowledge of religion and the Qur’an, even claiming that “What I say is more compatible with the spirit of religion than what the akhunds say!” He used to claim, “I know and understand the Qur’an better than the akhunds do. They talk against me for no reason, and urge the people to chant a slogan against me!”

p: ۳۲۰

Hence, the Shah also had his own interpretation of religion and no one was supposed to consider it as wrong!

According to this theory, if a person claims that his interpretation of religion is that God has no objective and actual existence and the edifice of religion is not essentially a belief in God, no one is supposed to protest against him because he has expressed his interpretation and religion can accommodate it just as the poems of Hafiz can accommodate diverse interpretations and understanding. Hafiz says, for example:

اگر غم لشکر انگیزد که خون عاشقان ریزد

من و ساقی به هم تازیم و بنیادش بر اندازیم

If sorrow's soldiers incite to shed lovers' blood tonight

With beloved I will unite and his foundations malign

According to his mindset, what a person understands from this poem is that his patient will get well or his wish will be fulfilled. For example, he says: “The ‘wine and cupbearer’ means the doctor and patient and ‘we shall topple its foundation’ means that we shall uproot the cause of sickness. It is possible that another person who consults the Diwan for his wish and desire has a totally different interpretation.

If Islam can tolerate the interpretation that God does not exist at all and there is no proof to prove His existence, nothing in Islam will be left. If everyone is permitted to have an independent interpretation of Islam and all interpretations are considered

respectable, defending religion, and sensitivity to religious values and beliefs will become

p: ٣٢١

baseless and meaningless. All people must show tolerance for the ideas and actions of others, and not criticize their views and opinions.

Everyone is bound to act upon his understanding of religion. Now, if his interpretation is that God is the One and Only, he has obligations, and if his interpretation is that there are thousands of gods, he has different obligations. Since the understanding of every person is basically a proof for himself, there must be no discord and all must live together in total peace, harmony and sincerity and not react negatively to each other's ideas and views!

For this reason, it is said that understanding of religion is subjective and indefinite, and one must not treat his opinion and view as absolute. The pristine Islamic or Qur'anic belief cannot tolerate this corrupt theory and such a view is essentially repugnant to religion. We can prove rationally that God's wisdom and grace demands that He guides His servants along a single objective and absolute truth. In line with this, God has revealed the Qur'an as a message, and guide for all humanity and a cure for spiritual diseases. Based on what we have learned from the school of the Apostle (s) and the Imams ('a), this Qur'an has only one interpretation or reading and that is the interpretation or reading of the Apostle (s) and the Ahl al-Bayt ('a) and only the authentic and correct view is that which emanates from the limpid fountain of their knowledge.

This interpretation

p: ٣٢٢

is incompatible with other interpretations of religion and regards them as false. It is true that a Martin Luther will possibly emerge in the Muslim world to bring a new religion in which diverse and conflicting interpretations will be justifiable, and all

readings portrayed as correct, based on the relativity of knowledge. However, innumerable traditions transmitted from the Ahl al-Bayt ('a) emphasize accuracy and meticulousness in correctly understanding and interpreting the Qur'an and strongly .prohibit people from engaging in speculative interpretation

Scholars of religion insist that people should not attribute to religion their own interpretations. If in certain cases they encounter ambiguous and allegorical passages which cannot be explained through common sense, they must pause and inquire from the Ahl al-Bayt's ('a) boundless ocean of knowledge and words of guidance. They can attribute to Islam and God a subject or statement which is only derived from the sayings of God, the text of the Qur'an, and the sayings of the Apostle .((s) and pure Imams ('a

The plurality of interpretations and trends of knowledge in hermeneutics

The other source of the notion of multiplicity of interpretations and the non-absoluteness of views and opinions is hermeneutics or the theory of textual interpretation. Today, this field of study is recognized as one of the disciplines in which different scientific groups in the world are busy conducting research. In the West, hermeneutics was initially a branch of exegeses related to Christian scholasticism and metaphysics whose concern was to discover, investigate and interpret the spiritual meaning and truth of

.the Bible

Then, it gained a broader meaning and began to refer to the skill of interpreting and understanding the importance of human ideas, statements, actions, and institutions. Under the latter definition, hermeneutics was drawn from the realm of theology to the realm of philosophy, and it refers to a branch of study whose concerns are the .distinct methods of studying human sciences and humanities

The theories advanced in this science say that words are essentially inadequate and insufficient in conveying the essence of the speaker's message and in transferring it

to others, and can never bring the reader to the environment where the writer is located and be influenced by the presented ideas. So, when a person uses certain words to impart a concept to another person, the listener cannot comprehend the .essence of the speaker's message

For example, every person has many feelings like love, affection, anger, aversion, astonishment, and surprise. If he sees a surprising scene and he wants to express his feeling of surprise to another person, his addressee will only be informed that he has been surprised, but will never comprehend the essential quality of surprise and astonishment experienced by the speaker through the words used by the speaker. In reality, words only tell about the existence of a feeling but are incapable of imparting the nature and quality of the said feeling. If you tell somebody that you love something, your addressee will understand based on his interpretation of what you expressed that you

have a feeling which you called "love". However, he will not get the complete .information about your feeling

Words and the possibility of their arriving at different truths

As stated, one of their claims is that words fall short of expressing the essence of the message. The insufficiency and inadequacy of words in conveying and imparting the intention of the writer is one of the main subjects of the hermeneutics of texts including religious texts. The reply to the abovementioned claim is as follows: If we try to study the historical accounts of various communities for the past millennia and take a glance at the literature of the followers of each religion, sect or faith, we will find that the main factor that contributed to the flourishing of the literature of all .communities and religions is "love."

This point shows that love is a common and universal emotional state and feeling which can be understood and felt by all. Now, if a Japanese, Chinese, Arab, or Iranian expressed his love and was understood, how can it be claimed that we do not

understand his feeling? How can it be said that we cannot comprehend the love stories of Leyli and Majnun, or Shirin and Farhad, and that we cannot have a correct knowledge and awareness of their love which is the axis of those stories on the pretext that words cannot impart feelings? If the emotional state or feeling like love cannot be comprehended by the speaker or listener, why has it earned prominence in the literature

?of various communities

We also acknowledge that man cannot impart to others what he exactly feels, but by means of signs, gestures and instruments, one can understand and comprehend the feelings of others. I cannot impart to another person the exact feeling of fear I experienced, but since fear is a common or universal feeling and the same thing also exists in others, by means of its effects on me and my body, others can understand .the fear I experienced

Of course, if a person does not have a feeling similar to what I felt, he can understand and comprehend my feeling by means of signs, gestures and oral communication. For instance, a person who does not feel any spark of love in himself will not understand and appreciate love stories, but it must be acknowledged that such a person can hardly be called human. At least, there is a certain level of love in every person. Now, once he is aware of this feeling within him and also knows that this emotion can intensify or decrease, he will realize that once this emotional state reaches its peak, it is called "love". So, it is not true that we can not impart our inner feelings to others, and thus, words are incapable and insufficient in expressing our inner intention and .hidden feelings

The possibility of acquiring absolute and real knowledge of the Qur'an

We equally acknowledge that through conventional and empirical means and common knowledge, one can neither become aware of the essence of metaphysical truths like the nature of angels

nor acquire comprehensive and complete knowledge of them. Whatever is said about them is metaphorical and multifaceted. As such, some Qur'anic verses that mention such creatures are metaphorical. There are special means to know these truths which are inaccessible to common people. Individuals can grasp the truth of some of these .creatures only by means of self-purification, moral refinement and spiritual elevation

But the lack of comprehension of some truths mentioned in the Qur'an is not a proof that whatever is mentioned in the Qur'an is like that and beyond our comprehension, and that words and verbal expressions cannot show us the truth and reality and everyone has to interpret and explain those words according to his own mindset. Besides, it is true that we cannot acquire complete knowledge of metaphysical truths like the nature of angels, but their attributes, characteristics and descriptions .mentioned in the Qur'an provide us with knowledge about them to some extent

One of the alleged proofs they cite in substantiating their notion that the language of the Qur'an or the language of religion is fictitious is that metaphors, allusions, similes, and allegories are used in religious scriptures, in general, and in the Qur'an, in :particular; for example, this passage in the Qur'an

(وَلَا تَكُونُوا كَالَّتِى نَقَضَتْ غَزْلَهَا مِن بَعْدِ قُوَّةٍ أَنكَاثًا...)

Do not be like her who would undo her yarn, breaking it up after [spinning it to]" (strength..."(۱)

This is one example mentioned in the Qur'an and perhaps that woman did not really exist

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۱- Surah an-Nahl ۱۶:۹۲.

:at all. The same is true in the case of the similitude of donkey mentioned in the Qur'an

(مَثَلُ الَّذِينَ حُمِّلُوا التَّوْرَاةَ ثُمَّ لَمْ يَحْمِلُوهَا كَمَثَلِ الْحِمَارِ يَحْمِلُ أَسْفَارًا...)

The example of those who were charged with the Torah, then failed to carry it, is that“ (of an ass carrying books...”[1]

They have said: “As these similes mentioned in the Qur’an seem mythological, how can we know that other subjects of the Qur’an such as God, Resurrection, revelation, ”!?heaven, and hell are not fictitious and mythological as well

They place these absurd, baseless and atheistic statements in the form of articles at the disposal of university students throughout the country to inform them that the entire Qur’an is fictitious and mythological! This impudence has even gone to the extent that a student presents in his article a novel understanding of the story of Hadhrat Yusuf (Joseph) (‘a) narrated in the Qur’an. He discusses the story in the form of a fictitious novel and subjects it to literary criticism, expressing some objectives to .it

Thereafter, he presents his “literary criticism” of the story of Prophet Joseph (‘a) in a class session in the presence of a professor who also gives his criticism of the story. They finally conclude that the Writer of the “novel” on Prophet Joseph (‘a) is not a !literary genius and the novel is not skillfully written

The relativists’ unfounded claim of Qur’anic language being unreal

Unfortunately, due to the freedom of expression and the press, the open atmosphere ,in universities and other educational centers

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١- Surah al-Jum‘ah ٦٢:٥.

the cultural weakness of our official and unofficial learning institutions, the shortcomings and heedlessness of our educational system policymakers, especially at the higher level of education, there has been extensive sinister propaganda against .religious teachings and Islamic values since the victory of the Islamic Revolution

It has reached a point that the fundamental question of some students is this: Since parables, stories, metaphors, and allusions are mentioned or used in the Qur’an, how can we differentiate them from other Qur’anic subjects? Perhaps, the words such as “Allah,” “revelation” and “Resurrection” are also meant metaphorically. Yes, the outcome of theories like the relativity of knowledge, the symbolic language of religion and the hermeneutic interpretation of religious texts is a torrent-like attack against deep-rooted lofty values and beliefs which have enriched and made magnificent our culture and society in the course of history. The past and present honor of our nation has come into being because of the same pristine Islamic values and beliefs, and this nation has shouldered the responsibility of safeguarding this trust of all the prophets .and saints of God

Our point is that on the pretext that there are parables, metaphors and stories in the Qur’an they claim that the Qur’an does not intend to express truths and realities. It only attempts to present a series of fiction, allusions and metaphors. If there are poems and parables in a book, must this book be recognized as a book of poetry and parable? If a speaker makes a witty

p: ۳۲۹

remark or cracks a joke in the course of his speech, must his entire speech be treated ?as full of witticism and jokes

If a person makes use of a parable, metaphor, simile, allusion, or allegory somewhere in his speech, this does not mean that his speech is entirely an aggregate of figures of speech like simile, metaphor, parable, allusion and allegory. In this case, no writer has any right to make use of a parable, poem, or literary witticism in his scientific book, or else, his book shall be introduced as a book of poetry or witticism. If God makes use of a parable in the Qur’an—as He does—does it mean that other passages of the Qur’an ?are poems and fables

(وَاتْلُ عَلَيْهِمْ نَبَأَ ابْنَيْ آدَمَ بِالْحَقِّ...)

“Relate to them truly the account of Adam’s two sons...”(۱)

And

(وَبِالْحَقِّ أَنزَلْنَاهُ وَبِالْحَقِّ نَزَلَ...)

"With the truth did We send it down, and with the truth did it descend..."(٢)?

To prove the credibility of the theory of hermeneutics or the interpretation of texts, they say that throughout history Muslims have embarked on speculative interpretations, and mystics have written books on speculative interpretations. So, it is clear that the Qur'an also has various interpretations. Just as mystics have made speculative interpretations, they also have a right to interpret and speculate even though the outcome of their process is totally different and contradictory to the interpretations of mystics.

Moreover, traditions also mention the existence of interpretations and inner meanings of Qur'anic passages which are in conflict

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١- Surah al-Ma'idah ٥:٢٧.
٢- Surah al-Isra' (or Bani Isra'il) ١٧:١٠٥.

with their outward meanings, and the existence of various interpretations and inner meanings of the Qur'an is a reasonable basis for one to present diverse interpretations and speculations of Qur'anic verses. All can engage in this activity and since it cannot be identified which interpretation is correct and which is wrong, all will have to be considered as credible!

In reply, let me say: "Yes, the Qur'an also points to the existence of allegorical verses [mutashabihat] and the need to interpret them based on definitive verses [muhkamat]. It is also mentioned in traditions that the Qur'an has various inner parts and layers but it does not state that the outward meanings of verses, words and expressions have no validity and do not reveal truths to us.

To say that in addition to the outward meanings of verses and their credibility there

are more profound subjects in the Qur’an called inner parts or interpretations of verses is different from claiming that the outward meanings of verses are not credible, and the only interpretations which are credible are based on the mindset of the speculator and a product of his mind. In this manner, multiple, diverse and contradictory interpretations are presented as various interpretations of religion and !we are asked to acknowledge them

Imam ‘Ali’s (‘a) expression of concern over cultural confusion and the distortion of religion

At the end of my discussion, I deem it necessary to refer to the luminous words of the Commander of the Faithful ‘Ali (‘a) about the distortions that took place in religion after the Messenger of Allah

s) and ended in misery and gloom. As we all know, the government of the) Commander of the Faithful (‘a) was established ٢٥ years after the passing away of the Holy Prophet (s) and there were still those who had heard the interpretation and the circumstances surrounding the revelation of Qur’anic verses from the Messenger of .Allah (s) himself and personally seen the scenes of the revelation of those verses

Yet, the hypocrites, the enemies, egoists and opportunists introduced distortions in religion that consequently led to deviation from Islam, fratricide and bloodshed :among Muslims. Imam ‘Ali (‘a) says

وَلكِنَّا إِنَّمَا أَصْبَحْنَا نُقَاتِلُ إِخْوَانَنَا فِى الْإِسْلَامِ عَلَى مَا دَخَلَ فِيهِ مِنَ الزَّيْغِ وَالاعْوِجَاجِ، وَالشُّبْهَهِ وَالتَّأْوِيلِ...

We now had to fight our brethren in Islam because of entry into Islam of“ (misguidance, crookedness, doubts and (wrong) interpretation...”(١

Similarly, skepticism and deviation, which today has been organized and expressed in scientific ways, had reached such a state that Muslims fought each other during the time of Hadhrat ‘Ali (‘a). During the Battles of Jamal and Nahrawan, due to these deviant interpretations, some people stood against ‘Ali (‘a), the rightful interpreter of

.the Qur’an at that time, as a result of which many of them were killed

In Sermon ١٧ of Nahj al-Balaghah, Imam ‘Ali (‘a) complained to God of the misguidance and ignorance of the people, thus:

إِلَى اللهِ أَشْكُوا مِنْ مَعْشَرٍ يَعِيشُونَ جُهَّالاً، وَيَمُوتُونَ ضُلاَّلاً، لَيْسَ فِيهِمْ سِلْعَةٌ أَبْوَرُ مِنَ الكِتَابِ إِذَا تُلِيَ حَقَّ تِلاَوَتِهِ، وَلاَ سِلْعَةٌ أَنْفَقُ بَيْعاً وَلاَ أَغْلَى ثَمَناً مِنَ الكِتَابِ إِذَا حُرِّفَ

p: ٣٣٢

١- Nahj al-Balaghah, Sermon ١٢٢.

عَنْ مَوَاضِعِهِ، وَلاَ عِنْدَهُمْ أَنْكَرُ مِنَ المَعْرُوفِ، وَلاَ أَعْرَفُ مِنَ المُنكَرِ.

I complain to Allah about persons who live ignorant and die misguided. For them nothing is more worthless than the Qur’an if it is recited as it should be recited, nor anything more valuable than the Qur’an if its verses are removed from their places, nor anything more vicious than virtue, nor more virtuous than vice.(١)

This complaint of Imam ‘Ali (‘a) came only ٢٥ years after the passing away of the Prophet (s), but deviations and innovations had struck such a blow to religion that at the peak of his isolation the Imam (‘a) raised his hands toward the sky and expressed to God his pain and agony at the heedlessness of people to his words of guidance.

Similar to the above statement, in Sermon ١٤٧ Imam ‘Ali (‘a) says:

وَإِنَّهُ سَيَأْتِي عَلَيْكُمْ مِنْ بَعْدِي زَمَانٌ لَيْسَ فِيهِ شَيْءٌ أَخْفَى مِنَ الْحَقِّ، وَلاَ أَظْهَرَ مِنَ الْبَاطِلِ، وَلاَ أَكْثَرَ مِنَ الْكَذِبِ عَلَى اللهِ وَرَسُولِهِ، وَلَيْسَ عِنْدَ أَهْلِ ذلِكَ الزَّمَانِ سِلْعَةٌ أَبْوَرَ مِنَ الْكِتَابِ إِذَا تُلِيَ حَقَّ تِلاَوَتِهِ، وَلاَ أَنْفَقَ مِنْهُ إِذَا حُرِّفَ عَنْ مَوَاضِعِهِ، وَلاَ فِي الْبِلاَدِ شَيْءٌ أَنْكَرَ مِنَ الْمَعْرُوفِ، وَلاَ أَعْرَفَ مِنَ الْمُنكَرِ...

Certainly, a time will come upon you after me when nothing will be more concealed than rightfulness, nothing more apparent than wrongfulness and nothing more current than untruth against Allah and His Prophet. For the people of this period nothing will be more valueless than the Qur’an being recited as it ought to be recited, nor anything more

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.Ibid., Sermon ۱۷ -۱

valuable than the Qur'an being misplaced from its position. And in the towns nothing will be more hated than virtue, nor anything more acceptable than vice.(۱)

:In continuation, he ('a) says

فَقَدْ نَبَذَ الْكِتَابَ حَمَلَتُهُ، وَتَنَاسَاهُ حَفَظَتُهُ؛ فَالْكِتَابُ يَوْمَئِذ وَأَهْلُهُ مَنْفِيَّانِ طَرِيدانِ، وَصَاحِبَانِ مُصْطَحِبَانِ فِى طَرِيق وَاحِد لاَ يُؤْوِيهِمَا مُؤْو؛ فَالْكِتَابُ وَأَهْلُهُ فِى ذلِكَ الزَّمَانِ فِى النَّاسِ وَلَيْسَا فِيهِمْ، وَمَعَهُمْ وَلَيْسَا مَعَهُمْ! لاَنَّ الضَّلاَلَهَ لاَ تُوَافِقُ الْهُدَى، وَإِنِ اجْتَمَعَا، فَاجْتَمَعَ الْقَوْمُ عَلَى الْفُرْقَهِ، وَافْتَرَقُوا عَنِ الْجَمَاعَهِ، كَأَنَّهُمْ أَئِمَّهُ الْكِتَابِ وَلَيْسَ الْكِتَابُ إِمَامَهُمْ، فَلَمْ يَبْقَ عِنْدَهُمْ مِنْهُ إلاَّ اسْمُهُ، وَلاَ يَعْرِفُونَ إِلاَّ خَطَّهُ وَزَبْرَهُ، وَمِنْ قَبْلُ مَا مَثَّلُوا بِالصَّالِحِينَ كُلَّ مُثْله، وَسَمَّوْا صِدْقَهُمْ عَلَى اللهِ فِرْيَهً، وَجَعَلُوا فِى الْحَسَنَهِ الْعُقُوبَهَ السَّيِّئَهَ.

The holders of the Book will throw it away and its memorizers will forget it. In those days the Qur'an and its people will be exiled and expelled. They will be companions keeping together on one path, but no one will offer them asylum. Consequently at this time the Qur'an and its people will be among the people but not among them, will be with them but not with them, because misguidance cannot accord with guidance even though they may be together. The people will have united on division and will therefore be cut away from the community, as though they were the leaders of the Qur'an and not the Qur'an their leader. Nothing of it will be left with them except its name, and they will know nothing save its writing and its words. Before that, they will inflict hardships

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.Ibid. Sermon ۱۴۷ -۱

upon the virtuous naming the latter's truthful views about Allah false allegations, and enforcing on virtues the punishments for vice.(۱)

:Then, the Imam ('a) says

وَاعْلَمُوا أَنَّكُمْ لَنْ تَعْرِفُوا الرُّشْدَ حَتَّى تَعْرِفُوا الَّذِى تَرَكَهُ، وَلَنْ تَأْخُذُوا بِمِيثَاقِ الْكِتَابِ حَتَّى تَعْرِفُوا الَّذِى نَقَضَهُ، وَلَنْ تَمَسَّكُوا بِهِ حَتَّى

تَعْرِفُوا الَّذِی نَبَذَهُ.

You should know that you will never know guidance unless you know who has abandoned it; you will never abide by the pledges of the Qur’an unless you know who has broken them, and will never cling to it unless you know who has forsaken it.(۲)

At the end of the sermon, he (‘a) says:

فَالْتَمِسُوا ذلِکَ مِنْ عِنْدِ أَهْلِهِ، فَإِنَّهُمْ عَیْشُ الْعِلْمِ، وَمَوْتُ الْجَهْلِ، هُمْ الَّذِینَ یُخْبِرُکُمْ حُکْمُهُمْ عَنْ عِلْمِهِمْ، وَصمْتُهُمْ عَنْ مَنْطِقِهِمْ، وَظَاهِرُهُمْ عَنْ بَاطِنِهِمْ، لاَ یُخَالِفُونَ الدِّینَ وَلاَ یَخْتَلِفُونَ فِیهِ، فَهُوَ بَیْنَهُمْ شَاهِدٌ صَادِقٌ، وَصَامِتٌ نَاطِقٌ.

Seek these things from those who own them because they are the life spring of knowledge and death of ignorance. They are the people whose commands will disclose to you their (extent of) knowledge, their silence will disclose their (capacity of) speaking and their outer appearance will disclose their inner self. They do not go against religion, and do not differ from one ather about it, while it is among them a truthful witness and a silent speaker.(۳)

It can be noticed that after giving warnings, in the end the Commander of the Faithful (‘a) asked us to recognize religion only through the way of the Ahl al-Bayt (‘a) because only their understanding and interpretation of the Qur’an and

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۱- Ibid.

۲- Ibid.

۳- Ibid.

religion is correct. Other interpretations are false, alien to religion and the Qur’an, brigands along the way of the seekers of truth and the path of Allah, and whose end is nothing but misguidance and misery. Therefore, according to the Imam (‘a) it is not correct for anyone to have his own interpretation and understanding of religion, and for all these interpretations to be correct and rightful on the pretext that they are compatible with individual preferences. We have to seek the correct interpretation of

religion from the Ahl al-Bayt ('a) and not follow our preferences that will lead to .deviation in religion and misguidance

The necessity of removing personal preferences from the domain of religion

Some people tell us: "Do not impose your preference on others." In essence, is religion a matter of personal preference, and can its scope and interpretation be identified with personal preference? Preference is related to the approaches and ways of people in their daily lives; for example, the preference of individuals in choosing the .quality and color of their attire

In this case, one should not impose his preference on others. But beliefs are not a matter of preference such that one can say that his preference is that God is the One and Only, and the other say—God forbid—that we have many deities! Similarly, the shari'ah or divine decrees do not follow the preferences and desires of people. So, the subjects pertaining to the ideology, essentials of Islam, Islamic laws, and divine beliefs and values are not a matter of preference. Concerning them, all preferences

.must be set aside

To conclude, the notion of not treating views and opinions as absolute is correct only in relation to the secondary and hypothetical issues of religion. Even in this case, only acceptable is the view of those who express their religious edicts and views based on extensive research and knowledge of religion and ijtihad in religious and juristic issues and by adopting correct and acceptable method of ijtihad. Technically, one who has such qualities is called faqih [jurist]. It is in this context that it can be said, "A faqih ".should not impose his view and opinion on another faqih

Obviously, two jurists may differ in their religious edicts and none of them is supposed to attempt to impose his edict on the other. In matters of beliefs, principles and .essentials of Islam, however, one must not act upon his own preference and opinion

In this case, the only correct version is what the Apostle and then the pure Imams

(may Allah's blessings be upon them all) have said ۱۴ centuries ago and about which all the 'ulama' and fuqaha have a consensus of opinion. As far as the essentials of Islam are concerned, only the interpretations of the Apostle and the pure Imams (may Allah's blessings be upon them all) are correct. All other interpretations are .wrong

In reality, such expressions are among the vivid manifestations of innovation in religion [bid'ah] which must be seriously faced by true scholars of Islam so that they do not incur

p: ۳۳۷

.the curse and damnation of God, the angels and His righteous servants

p: ۳۳۸

About center

In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ۹

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ۲۰۰۷, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers

in this field

and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes of people interested in reading, with various formats in the .cyberspace

:Our Goals are

(propagating the culture and teachings of Thaqalayn (Quran and Ahlulbayt p.b.u.t-

encouraging the populace particularly the youth in investigating the religious issues-

replacing useful contents with useless ones in the cellphones, tablets and computers-

providing services for seminary and university researchers-

spreading culture study in the publich-

paving the way for the publications and authors to digitize their works-

:Policies

acting according to the legal licenses-

relationship with similar centers-

avoiding parallel working-

merely presenting scientific contents-

mentioning the sources-

.It's obvious that all the responsibilities are due to the author

:Other activities of the institute

Publication of books, booklets and other editions-

Holding book reading competitions-

Producing virtual, three dimensional exhibitions, panoramas of religious and tourism- places

.Producing animations, computer games and etc-

Launching the website with this address: www.ghaemiyeh.com-

Fabricatingdramatic and speech works-

Launching the system of answering religious, ethical and doctrinal questions-

Designing systems of accounting, media and mobile, automatic and handy systems,- web kiosks

Holding virtual educational courses for the public-

Holding virtual teacher-training courses-

Producing thousands of research software in three languages (Persian, Arabic and- English) which can be performed in computers, tablets and cellphones and available and downloadable with eight international formats: JAVA, ANDROID, EPUB, CHM, PDF, HTML, CHM, GHB on the website

Also producing four markets named "Ghaemiyeh Book Market" with Android, IOS,- WINDOWS PHONE and WINDOWS editions

:Appreciation

We would appreciate the centers, institutes, publications, authors and all honorable .friends who contributed their help and data to us to reach the holy goal we follow

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